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ACCOUNTS AND PAPERS:

TWENTY-ONE VOLUMES.

—(20.)—

SLAVE TRADE:

CLASS (C.), (D.)

AND FURTHER SERIES (A.), (B.), (C.), (D.)

Session

5 February——27 August 1839.

VOL. XLIX.

1839.

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1839.

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Class C.

CORRESPONDENCE

WITH

FOREIGN POWERS,

PARTIES TO THE CONVENTIONS BETWEEN

GREAT BRITAIN AND FRANCE,

RELATING TO

THE SLAVE TRADE.

1838-9.

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Class C.

CORRESPONDENCE

WITH

FOREIGN POWERS,

PARTIES TO THE CONVENTIONS BETWEEN

GREAT BRITAIN AND FRANCE,

UPON

THE SLAVE TRADE.

From May 1, 1838, to February 2, 1839, inclusive.

Presented to both Houses of Parliament by Command of Her Majesty,
1839.

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Class C. 1838-9.

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CORRESPONDENCE

WITH

FOREIGN POWERS,

PARTIES TO CONVENTIONS.

FRANCE.

No. 1.

M. de Bourqueney to Viscount Palmerston.—(Received May 14.)

My Lord, *Londres, Mai* 12, 1838.

Une information judiciaire s'instruit à ce moment à Bordeaux, contre l'armateur el l'equipage du brick le "*Voltigeur*," pour participation à la traite des noirs. Il résulte des déclarations faites par deux matelots, que le "*Voltigeur*," au moment ou il transportait à la Havane, sous Pavillon Portugais, un chargement de noirs, aurait été capturé en Juin 1837, par la Goëlette de guerre le "Griffon," et conduit à la Dominique. Le Gouvernement Anglais doit posséder sur cette affaire des renseignements nécessaires à la procédure qui s'instruit; et je viens, My Lord, au nom de mon Gouvernement, prier votre Excellence de vouloir bien me mettre à mème de transmettre à Paris les documens, qui seraient directement parvenus à l'administration Anglaise.

Veuillez agreer, My Lord, &c.
(Signé) BOURQUENEY.

Son Excellence le Vicomte Palmerston, G.C.B.
&c. &c. &c.

(Translation.)

My Lord, *London, May* 12, 1838.

A judicial process is now in progress at Bordeaux against the fitter out, and the crew of the brig, the "*Voltigeur*," for being concerned in the Slave Trade. From the declarations made by two sailors, it results, that the "*Voltigeur*," while transporting a cargo of slaves to the Havana, under the Portuguese flag, was captured, in June 1837, by the sloop of war "Griffon," and carried into Dominica. The English Government probably have some information as to this Affair, which would be necessary in the proceedings now in progress; and I am now, my Lord, to ask in the name of my Government, that your Excellency will be kind enough to enable me to transmit to Paris the documents which may have come direct to the English administration.

Accept, my Lord, &c.
(Signed) BOURQUENEY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

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No. 2.

Viscount Palmerston to Earl Granville.

MY LORD, *Foreign Office, May 24th,* 1838.

I HEREWITH transmit, for your information, three copies of two series of papers relating to the Slave Trade, which have been presented to the two Houses of Parliament during the present Session, by Her Majesty's command.

I am, &c.
(Signed) PALMERSTON.

To His Excellency Earl Granville, G.C.B.
&c. &c. &c.

No. 3.

Viscount Palmerston to Earl Granville.

MY LORD, *Foreign Office, June* 9, 1838.

I HEREWITH transmit to you the copy of a resolution, which was voted unanimously by the House of Commons on the 10th of May, 1838, for an address to Her Majesty upon Slave Trade, and a copy of the answer, which, on the 23d of the same month, Her Majesty was pleased to return to that address.

You will see, from these papers, the unceasing and anxious desire of the Parliament and Government of this country, for the extinction of the traffic in Slaves.

I am commanded by Her Majesty to instruct you, to communicate these papers to the French Government, and earnestly to press upon them the immediate conclusion of the negotiations, with which you are charged on this subject.

I am, &c.
(Signed) PALMERSTON.

To His Excellency Earl Granville, G.C.B.
&c. &c. &c.

No. 4.

Earl Granville to Viscount Palmerston.—(Received June 18th.)

MY LORD, *Paris, June 15th,* 1838.

I YESTERDAY received your Lordship's Despatch, Slave Trade, of the 9th June; and I have this day, in conformity to the instructions contained in it, communicated to Count Molé the resolution unanimously voted by the House of Commons on the 10th of May, 1838, for an address to Her Majesty upon the Slave Trade, and the answer which Her Majesty was pleased to return to that address.

I, at the same time, expressed my hope to the French Minister, that this manifestation of the unceasing and anxious desire of the British Parliament and British Government, for the extinction of the traffic in Slaves, would be met by a corresponding feeling in France; and that the French Government, considering how inefficacious had been the means hitherto employed for the suppression of the Slave Trade, will be disposed to concur in the adoption of such further measures, as may appear best calculated to effect its entire abolition: and I particularly called His Excellency's attention to the length of time which had elapsed, since I addressed to the French Government a note, proposing a draft of a treaty between the five great Powers for the entire suppression of the Slave Trade, and to which note no answer had been as yet returned.

I have, &c.
(Signed) GRANVILLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

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No. 5.

Viscount Palmerston to M. Bourqueney.

Foreign Office, August 2d, 1838.

THE UNDERSIGNED, &c. has the honour to acknowledge the receipt of the note, which was addressed to him on the 12th of May, 1838, by M. Bourqueney, &c., requesting such information and documents, as Her Majesty's Government may be able to procure, in aid of judicial proceedings in the case of the French brig "*Le Voltigeur,*" stated to have been captured in June, 1837, by Her Majesty's ship "Griffon," while transporting a cargo of negroes to the Havana, under Portuguese colours.

The Lords Commissioners of the Admiralty were requested to send to this office, for communication to M. Bourqueney all the papers which they possessed on the subject.

But the Admiralty have answered, that they possess no information on the subject of the "*Voltigeur.*" Their Lordships have therefore been requested to institute an inquiry into the circumstances of the case, and to send to this office any information which can be obtained about it.

The undersigned will lose no time in communicating to M. de Bourqueney the result of these further inquiries.

The Undersigned, &c.
(Signed) PALMERSTON.

M. de Bourqueney,
&c. &c. &c.

No. 6.

Viscount Palmerston to Earl Granville.

MY LORD, *Foreign Office, November* 6, 1838.

I AM informed by a Despatch, which I have recently received from Her Majesty's Chargé d'Affaires in Brazil, that Baron Rouen, the French Minister at Rio de Janeiro, has addressed a note to the Brazilian Minister for Foreign Affairs, in which he supports the representations, made by Mr. Ouseley for the purpose of inducing the Brazilian Government to issue to the Brazilian Members of the Mixed Slave Trade Commission instructions, similar to those which the British Members of that Commission have received, relative to the conditions which are to entitle a vessel, sailing under the Portuguese flag, to be considered a Portuguese vessel.

And I have to instruct your Excellency to convey to the French Minister, the expression of the thanks of Her Majesty's Government, for the cordial assistance which Baron Rouen afforded to Mr. Ouseley on the occasion in question.

I am, &c.
(Signed) PALMERSTON.

His Excellency Earl Granville, G.C.B.
&c. &c. &c.

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DENMARK.

No. 7.

Viscount Palmerston to Sir H. W. Wynn.

SIR, *Foreign Office, 24th May,* 1838.

I HEREWITH transmit, for your information, a copy of two series of Papers relating to the Slave Trade, which have been presented to the two Houses of Parliament, during the present session, by Her Majesty's command.

I am, &c.
(Signed) PALMERSTON.

To Sir H. W. Wynn,
&c. &c. &c.

No. 8.

Viscount Palmerston to Sir H. W. Wynn.

SIR, *Foreign Office, May* 28, 1838.

IT appears from a communication, which I have recently received from Her Majesty's Commissioners at the Havana, that the Spanish Schooner "*Con la Boca,*" Ferreira, master, arrived at the Havana on the 25th of February, 1838, from Africa; that it was stated, that in her way from Africa she had stopped at the Danish island of St. Thomas, and that she had landed her cargo of slaves at the last-mentioned possession. You will communicate this statement to the Danish Government, and suggest to them to cause inquiry to be made into the facts of the case, with a view to put a stop to practices of Slave Trade in the Danish West India colonies.

I am, &c.
(Signed) PALMERSTON.

To Sir H. W. Wynn,
&c. &c. &c.

No. 9.

Viscount Palmerston to Sir H. W. Wynn.

SIR, *Foreign Office, June* 9, 1838.

I HEREWITH transmit to you the copy of a Resolution, which was voted unanimously by the House of Commons on the 10th of May, 1838, for an address to Her Majesty upon Slave Trade, and a copy of the answer which, on the 23rd of the same month, Her Majesty was pleased to return to that Address.

You will see from these Papers the unceasing and anxious desire of the Parliament and Government of this country, for the extinction of the traffic in slaves.

I am, &c.
(Signed) PALMERSTON.

Sir H. W. Wynn,
&c. &c. &c.

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No. 10.

Sir H. W. Wynn to Viscount Palmerston.—(Received June 19.)

MY LORD, *Copenhagen, June 1st,* 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches of this series, dated the 19th of April and the 24th of May:—the first, covering copies of Treaties concluded with Holland and the Hanse Towns respectively for the prevention of the traffic in Slaves:—and the other, covering two series of papers, relating to the Slave Trade presented to Parliament during the present session.

I have, &c.
(Signed) H. W. W. WYNN.

The Right Hon. Viscount Palmerston, G. C. B.
&c. &c. &c.

No. 11.

Sir H. W. Wynn to Viscount Palmerston.—(Received June 19th.)

MY LORD, *Copenhagen, June 9th,* 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, of this Series, dated the 28th ultimo, relating to the disembarkation of Slaves at the Danish Island of St. Thomas, from on board the Spanish schooner "*Con la Boca.*" In compliance with your Lordship's orders, I have addressed the enclosed note to the Danish Minister, and your Lordship may rest satisfied that the strictest inquiry will be directed to be made into the case. In the meantime, I have had a conversation on the subject with a person just returned from St. Croix, where he held a confidential official situation; he professed himself ignorant of anything of the kind, which could hardly have occurred without it's coming to his knowledge. He suspects that the master has made this declaration at the Havana, in order to conceal more nefarious practices during the voyage.

The price of slaves is at present so low in the Danish West India Colonies, that nothing but the circumstance of being chased would induce a slave trader to bring them there; and he would then probably seek temporary refuge in one of the neighbouring keys or rocky islands which afford harbours.

I have, &c.
(Signed) H. W. W. WYNN.

The Right Hon. Viscount Palmerston, G.G.B.
&c. &c. &c.

Enclosure in No. 11.

Sir H. W. Wynn to M. de Krabbe.

Copenhagen, 5th June, 1838.

THE undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has received orders to inform his Excellency M. de Crabbe Carisius, that from communications lately received from Her Majesty's Commissioners at the Havana, it appears that the Spanish schooner "*Con la Boca,*" Ferreira master, arrived there on the 28th of February, and that it was stated, that on her way from Africa she had stopped at the Island of St. Thomas, and had there disposed of her cargo of slaves.

In bringing this circumstance to the knowledge of M. de Crabbe, the undersigned has been instructed to express the conviction of Her Majesty's Government, that every inquiry will be made into the truth of these alleged facts, with a view to putting an effectual stop to practices of Slave Trade in the Danish West India colonies.

The undersigned, &c.

His Excellency M. de Krabbe Carisius, (Signed) H. W. W. WYNN.
&c. &c. &c.

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No. 12.

Sir H. W. Wynn to Viscount Palmerston.—(*Received July* 14.)

My Lord, *Copenhagen, 7th July*, 1838.

I have the honour to enclose a note, which I have received from M. de Krabbe Carisius, in answer to that which I addressed to him on the subject of the supposed landing of slaves at St. Thomas, from on board the Spanish schooner "*Con la Boca.*"

Your Lordship will observe, that the Danish Minister promises that every inquiry shall be made into the case; but that by the regular lists of arrivals and departures received from St. Thomas it appears, that the "*Con le Boca*" arrived there on the 11th of February, in ballast, and sailed again the next day, having only landed four passengers.

I have, &c.

(Signed) H. W. W. WYNN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 12.

M. de Krabbe to Sir H. W. Wynn.

Monsieur le Chevalier, *Copenhagen, ce 22 Juin*, 1838.

J'ai l'honneur de vous prévenir, en réponse à l'office que vous avez bien voulu m'adresser, en date du 5 du courant, que j'ai d'abord engagé l'autorité compétente à faire faire des recherches à St. Thomas, pour découvrir si le bâtiment Espagnol "*Con la Boca,*" Capitaine Ferreira, y auroit effectivement débarqué et vendu une cargaison d'esclaves, et pour faire poursuivre les coupables selon la riguer des lois. Aussitot que je serai informé du résultat de ces recherches, je m'empresserai, Monsieur le Chevalier, de vous en faire part, mais je dois néanmoins porter préalablement à votre connaissance, que la Chambre Royale des Douanes et de Commerce vient de recevoir de St. Thomas un rapport, d'après lequel le dit bâtiment, de la capacité de 115 tonneaux, y seroit entré le 11 Fevrier dernier sur son lest, sans aucune cargaison quelconque, et qu'il seroit reparti le lendemain, en ne débarquant à St. Thomas que 4 passagers, qu'il avait eûs à son bord.

Agréez, &c.

Sir H. W. Wynn, (Signé) KRABBE CARISIUS.
&c. &c. &c.

Second Enclosure in No. 12.

(Translation.) *M. de Krabbe to Sir H. W. Wynn.*

Monsieur le Chevalier, *Copenhagen, June* 22, 1838.

I have the honour to acquaint you, in reply to the note which you kindly addressed to me under date of the 5th instant, that I have already desired the proper authority to cause inquiries to be made at St. Thomas, to discover whether the Spanish vessel "*Con la Boca,*" Captain Ferreira, did really disembark and sell a cargo of slaves there, and to cause the guilty parties to be prosecuted with the rigour of the laws. As soon as I shall be informed of the result of these inquiries, I shall hasten to communicate the same to you; but I must, nevertheless, in the first place, bring to your knowledge, that the Royal Chamber of Customs and Commerce has just received from St. Thomas a report, according to which the said vessel, of 115 tons burthen, entered in ballast on the 11th of February last, without any cargo whatever, and departed thence the next day, only landing at St. Thomas four passengers whom she had on board.

Accept, &c.

Sir H. W. Wynn, (Signed) KRABBE CARISIUS.
&c. &c. &c.

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No. 13.

Sir H. W. Wynn to Viscount Palmerston.—(Received January 28.)

My Lord, *Copenhagen, January 4th*, 1839.

In reference to my Despatches of this series, dated the 9th June and the 7th July, 1838, I have the honour to enclose a note from M. de Krabbe, covering a copy of the examinations which have taken place at St. Thomas, on the subject of the Spanish schooner "*Con la Boca*," from on board which it was suspected that slaves had been landed.

Your Lordship will observe, that there does not appear to have been any ground for this accusation.

I have, &c.
(Signed) H. W. W. WYNN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 13.

M. de Krabbe to Sir H. W. Wynn.

Monsieur Le Chevalier, (*No date.*)

C'est en me referant à mon office du 22 Juin dernier, que j'ai l'honneur aujourd'hui de vous faire parvenir ci joint, le procés verbal des interrogatoires du Tribunal de l'Isle de St. Thomas, qui ont eu lieu pour decouvrir si le batiment Espagnol "*Con la Boca*," Capt. Ferreira, aurait effectivement debarqué et vendu dans l'isle, une cargaison d'esclaves. D'après les depositions des temoins, on ne saurait admettre qu'un tel fait eût eu lieu, et il y a une circonstance qui semble devoir lever tous les doutes à cet egard, c'est que le navire était muni de papiers de bord des autorités Anglaises, prouvant qu'il vint sur *son lest* de *Sierra Leone*, d'ou on ne peut supposer que le Gouverneur de Sa Majesté Britannique pouvait permettre l'exportation d'esclaves.

Veuillez recevoir, &c.
(Signé) KRABBE CARISIUS.

To Sir H. W. Wynn,
&c. &c. &c.

(Translation.)

Monsieur Le Chevalier, (*No date.*)

It is with reference to my letter of the 22nd June last, that I have now the honour to send to you herewith the procés-verbal of the examination, which took place before the Tribunal of the Island of St. Thomas, for the purpose of discovering if the Spanish vessel "*Con la Boca*," Captain Ferreira, had really disembarked and sold a cargo of slaves in that Island.

According to the depositions of the witnesses, it cannot be admitted that such a thing took place; and there is one circumstance, which apparently ought to remove all doubt in this respect, and that is, that the vessel was furnished with papers from the authorities at Sierra Leone, proving that she came in ballast from Sierra Leone, from which place it cannot be supposed that Her Britannic Majesty's Governor would permit the export of slaves.

Accept, &c.
(Signed) KRABBE CARISIUS.

To Sir H. W. Wynn,
&c. &c. &c.

Second Enclosure in No. 13.

Minutes of Evidence taken in the Police Courts at St Thomas.

I, Hans Henrich Berg, Knight of the Dannebrog, and of the Legion of Honour, Councillor of State, Town Sheriff, and Master of Police in the Jurisdiction of St. Thomas, do hereby certify, that on the 5th October, 1838, at one

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o'clock, p. m., the Police Court of St. Thomas was opened, held, and administered by the undersigned, in presence of the witnesses Hoyer and Brixen, when the Court proceeded to the following

Examination of Evidence, for the purpose of investigating the truth of a report, that a Spanish schooner, "*Con la Boca*," Captain Ferreira, had touched at this Island, and there sold a cargo of slaves.

The Police Master produced the Government order for instituting this examination, together with the letter therein referred to from the Royal General Board of Customs and Commerce.

The said documents are worded as follows:

Translation of the Government Order.

His Excellency the Governor-General has written to me under date the 20th instant, as follows:

"In transmitting the accompanying letter from the Royal General Board of Customs and Commerce, of the 19th January this year, I have, in conformity with the tenor of the same, to request you will cause an accurate investigation to be made, as to how far what has been reported concerning the cargo of slaves mentioned in the same, is founded in truth, and that you will send information here of the result as soon as possible.

In reference to the above, and transmitting along with this the above-mentioned letter from the General Board of Customs and Commerce, I have to request you to institute the investigation commanded, and thereafter, as soon as possible, to communicate the result here.

Government of St. Thomas and St. John's, St. Thomas, 24th Sept. 1838.

To M. Police Master Gad. F. OXHOLM.

Produced in the Police Court of St. Thomas, 5th October, 1838.

H. H. BERG.

Translation of the Letter from the General Board of Customs and Commerce.

The Department of Foreign Affairs has informed this Board, that the British Ambassador here has reported to the same, that the British Commissioners established at Havana for the suppression of the Slave Trade, have reported that a Spanish schooner, "*Con la Boca*." Captain Ferreira, which came to Havana on the 28th February this year, did, on her voyage from Africa, call at St. Thomas, where the cargo of slaves she had on board was sold.

On this occasion, this Board, at the instance of the Foreign Department, must request the Governor-General to cause an investigation to be made as to whether this is really the case; and if so, to proceed against the parties concerned according to law.

The General Board hopes to receive the earliest possible information of the result of this.

General Board of Customs and Commerce, 19th June, 1838.

SCHMANN, WEDEL,
THONNING, FRANCKE,
MALLING, PRUESSER.

To the General Government of the Danish West India Islands.

Produced in the Police Court of St. Thomas, 5th October, 1838.

H. H. BERG.

In reference to the above, the Police Master had requested the Royal Custom house, and also the Harbour Office, to communicate to him such elucidations as they might be able to furnish; in consequence of which he yesterday received from the Custom-house, and to-day from the Harbour Office, the reports which are now produced.

These reports are worded as follows:

Translation of the Report from the Custom-house.

Your Honour has requested me to transmit you all the information which the Custom-house is able to furnish respecting a Spanish schooner called "*Con la Boca*," which, according to the information sent to the General Board of Customs and Commerce, arrived at Havana on the 28th February this year, and on her way

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from Africa touched at St. Thomas, where it is said that the cargo of slaves that she had on board was sold.

According to what is shown by the Custom-house books, the said schooner "*Con la Boca,*" Captain Ferreira, having arrived here on Sunday the 11th February this year, was cleared in on the 12th, in ballast from Sierra Leone, and on the same day was cleared out again in ballast to Havana. Both the inward and outward entries were made through the broker's office; and it follows as a matter of course, that the Captain must have exhibited a clearance and other ship's papers issued at Sierra Leone, from which place I presume that no slaves can possibly be exported.

On the days in question I was at St. Croix, but my clerk, at the broker's office, assures me that the schooner's papers from Sierra Leone were in complete order, that the Captain himself made the clearance, and that no one accompanied him to the Custom-house.

As during a long period of years no vessel with slaves had called at St. Thomas, the arrival of such a cargo must have awakened general attention; but I have never heard any surmise of such a thing having happened, and one should think that nobody here would venture to have anything whatever to do with this disgraceful and prohibited traffic.

St. Thomas, Custom-house, 4th October, 1838.

With the greatest respect,

To Sir H. H. Berg. C. D. ECKHARD.

Councillor of State, Police Master, &c.

Produced in the Police Court, St. Thomas, 5th October, 1838.

H. H. BERG.

Translation of the Report from the Harbour Office.

In consequence of your Honour's application for information respecting the schooner "*Con la Boca,*" occasioned by a letter from the Royal General Board of Customs and Commerce, dated 19th June, this year, I have, by the present, the honour to mention that I was at the time Harbour Assistant, under Captain Rhode, the Captain of the Harbour, but from the 1st to the 14th February I was lying sick of fever, and a person who was then in my private service, of the name of John Moller, did at that time attend to my duties in the Harbour.

It is found by the Harbour books, that the said schooner came in here on the 11th February from Sierra Leone in ballast, and sailed again on the 12th February to Havana, in the same way as she came in, and that she reported a 22 days' passage and 4 passengers.

There cannot be any doubt but that the said vessel had a clearance from Sierra Leone in ballast; since, on the arrival of each vessel, her clearance manifest, maritime pass and muster-roll, and whatsoever other documents may serve to give information of ship and cargo, are always, without exception, called for.

The aforesaid Moller has stated to me, that he recollects that at the time in question, there came in a schooner from Sierra Leone in ballast, with ship's papers from thence, and that when she came into the harbour her hatches were open, and that she had ballast of stones and of casks with water, and that the Captain stated that he had bought the schooner in Sierra Leone. Moller remarked also that he had heard at the same time some watermen, who were alongside of the schooner, say that they thought she was the same schooner that some days before had been lying off and on near the south coast of St. Thomas; and is not able to give any more information on the matter.

I consider that it would be an impossibility for a slave ship to land slaves on this Island without such being discovered; but possibly the said schooner, on her voyage from Sierra Leone may have called at the slave coast, have taken on board a cargo of negroes there, landed them at Porto Rico, cleared the ship, and thereafter have come into this harbour, as direct from Sierra Leone.

Harbour Office, St. Thomas, 5th October, 1838.

With the greatest respect,

To State Councillor Berg, F. A. KIÆR.

Police Master, Knight, &c.

Produced in the Police Court, St. Thomas, 5th October, 1838.

H. H. BERG.

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In consequence of the above, the Police Master sent for the person mentioned in the Report of the Harbour Master, viz. John Moller, who now appeared, and who, on being interrogated, deposed, that he recollects that in February last, there came into this port a Spanish schooner in ballast, with muster-roll and clearance from Sierra Leone; her hatches were open, and, in addition to the ballast, which was of stone or gravel, she had some water casks, he believes only five. The deponent does not remember the name either of the Captain or of the vessel, but he recollects that the Captain mentioned he had bought the schooner in Sierra Leone. He also recollects having heard some watermen, who came alongside of the schooner, say that they thought that the same schooner had, some days previously, been lying off and on near the south coast of St. Thomas. The deponent cannot at all recollect who these watermen were, and is unable to give any more information on this matter. Being asked who went along with him when he was on board the said schooner, the deponent answered that he went on board the vessel on the part of the Harbour Master; the Harbour Assistant, Captain Kiær, was at that time ill. Besides the deponent there were in the harbour-boat two men, viz. Nicholas, a negro, belonging to Miss Bentzen, and Charles, a free mulatto, who belongs to Tortola. Being asked whether he can recollect having subsequently seen any person belonging to the said vessel, he said no, and that he had not particularly noticed them. Dismissed.

As the Report of the Harbour Master states, that four passengers came here with the aforesaid schooner, the lists of travellers kept at the police office were accordingly inspected, and it was thereby found that four persons, viz. E. Campbell, Jean Porrier, Adolph Gaspard, and Martin Isebia, are reported on the 12th February last as having come here with the Spanish schooner "*Con la Boca*," Captain Gaspar Ferreira, from Sierra Leone. In consequence of this two officers were immediately despatched by the Police Master, to find out the said passengers, and bring them into the Court.

Nicholas, a negro belonging to Miss Bentzen, appeared. He states his age to be 19 years, and that he professes the Catholic religion. After having been cautioned to speak the truth, he deposed, that he, along with mulatto Charles, did in the beginning of this year, the precise time he cannot recollect, row John Moller to a schooner which had come from Sierra Leone. The deponent did not hear either the schooner's or the Captain's name mentioned; he recollects that the hatches were open, and that she had nothing else in than ballast and some water casks. The deponent does not recollect any of the crew, or of the passengers that were on board, and it would also be a difficult matter for him to recollect, inasmuch as he who rows the harbour-boat sees strangers continually; he, however, recollects that a waterman who was alongside of the schooner said that she had passed by a day or two before, but who that waterman was he cannot recollect. He added that he knows no more whatsoever in the way of information. Dismissed.

Charles, a free mulatto, born in Tortola, appeared. He knows not his age, he supposes he is about twenty years old. He says that he does not know to what religion he belongs, but, nevertheless, he occasionally attends the Catholic Church. Whereupon, after being cautioned to speak the truth, he further deponed; that he was in the habit of rowing the harbour-boat along with the negro Nicholas, and was employed in this way in February this year. He has not, however, the least knowledge of or recollection about any schooner which came from Sierra Leone, neither does he recollect at any time having heard any waterman make any remark about any schooner having lain to, or off and on, near this island. On being interrogated, the deponent further declares, that he recollects that Captain Kiær was ill in the beginning of this year, and that John Moller went out in the harbour boat in his stead, but the deponent cannot recollect if at that time they went on board any schooner arrived from Sierra Leone. Dismissed.

The Police Master stated that the passengers in question, who had come with the said ship, were not to be found by the officers who had been sent in quest of them, and who reported that they had left the island, on which occasion it was found by inspection, that Edward Cambell had, on the 17th July this year, taken a passport for Guayana, and that Adolph Gaspard, likewise had, on the 23rd July, taken a passport for Hayti.

In consequence of its being noted in the column of "Remarks," that E. Cambell had said that he was to be found at Vidals, a messenger was despatched for the latter person, who attended and appeared in Court. He stated his name to be

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Cecil Vidal, and that he is a burgher and merchant of this place. He was cautioned to speak the truth, and thereupon deposed, that he knows E. Cambell who is a seafaring person; he recollects that he came hither in the beginning of the year with a schooner from Sierra Leone; this he had told the deponent, but he did not mention, or at all events the deponent does not recollect his having mentioned, the name of either the schooner or the captain. The deponent has never heard that a cargo of slaves was sold here from any such schooner, and knows nothing whatever to communicate on the subject. It is known to the deponent that Cambell is gone to Porto Rico. Dismissed.

After the messengers who had been despatched had further stated, that Jean Porrier and Martin Isebia were not to be found, but, according to the report of Anthony Marselly, had quitted the island, this last-mentioned person whose name appears in the column of remarks, opposite the names of the other two persons, was sent for, whereupon he appeared and declared, that he had known Jean Porrier and Martin Isebia at Curaçoa, to which they belong, and that they both quitted this island as sailors, but with what vessels he knows not. He recollects that they both came here from Sierra Leone in the beginning of this year; the precise time he cannot specify, but with what vessel or captain he knows not, and it is entirely unknown to him, whether or not any slaves were sold from the vessel by which they came, whereabout for the rest, the deponent has not heard anything whatsoever, nor is he possessed of any information on the subject. Dismissed.

As it was ascertained that the Adolph Gaspard had lodged some time with a person of the name of Antoine Plocq, who keeps an eating-house for the lower classes, the latter person was accordingly sent for, and now appeared. After being cautioned to speak the truth, he deposed, that Adolph Gaspard came in the beginning of the year to this island, by the same conveyance as a person of the name of Cambell from Sierra Leone, but with what vessel or captain, he knows not; the deponent never heard that the vessel in question had sold slaves here; as far as the deponent understood from Gaspard, she had been taken by the English off the coast of Africa; this is all the deponent knows about the matter.

Some time after Gaspard's arrival he went into partnership with the deponent as keepers of an eating-house, and remained in that connexion about two months and a half, when, having received letters from his family in France, he left this for Hayti, with a view of proceeding from thence to Havre de Grace. Dismissed.

The Police Master remarked that on inspection being made, it appears that, in the list of travellers arriving, Edward Cambell is entered as having arrived from Puerto Rico on the 23rd of February, to which island it is found that he took a passport on the 14th of the same month, consequently, two days after his first arrival; further, it appears that Adolph Gaspard is entered as having arrived from Puerto Rico on the 20th of February, and that he took lodgings at the house of Joseph Donadiello.

In consequence whereof the said Joseph Donadiello was sent for, who now appeared and deposed *præminaliter*, that he was born at Naples, professes the Catholic religion, and keeps a house for sailors. After having been cautioned to speak the truth, he deponed, that he recollects Adolph Gaspard, who, from what he told him, came from Sierra Leone in company with a person of the name of Cambell and that he understood they had both been made prisoners by the English in Africa, but by what conveyance or with what captain the deponent knows not; he has not the least knowledge as to any slaves having been sold from any vessel with which Gaspard and Cambell had come, and he has never heard a word on the subject; the deponent does not know Cambell; it is known to the deponent that Adolph Gaspard, who was a cook by profession, some days after his arrival here, went to Puerto Rico with a view, as he mentioned, of getting some money which was owing to him for two voyages, which the deponent thought he could remember that Gaspard said were made from Africa to Puerto Rico; he had not communicated any more on the subject, and the deponent can give no more information thereabout. Shortly afterwards, Adolph Gaspard came back from Puerto Rico, and after the lapse of some time he entered into partnership with Plocq, the keeper of an eating-house; he subsequently quitted this for France. Dismissed.

The Police Master stated, that he had not been able to procure any further intelligence of what had become of Jean Porrier and Martin Isebia, than what Anthony Marselly had reported. But, as it would be very desirable towards the further possible elucidation of the case, to get these persons examined, and as there were no sufficiently satisfactory accounts of their having left the Island, this

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examination was therefore adjourned to Monday next, and it was enjoined the police-officers to renew their search after these persons.

The above proceedings certified by H. H. BERG.

On the 8th October, 1838, at 11 o'clock A.M., the Police Court of St. Thomas was opened, held, and administered by the undersigned in presence of the witnesses, Hoyer and Eichingen, when the preceding examination was continued—

The Police Master stated, that Jean Porrier and Martin Isebia, have been in vain searched for by the Police. He thereafter produced a letter from the Harbour-office, of this day's date.

The said letter is worded as follows:—

In reference to my letter of 5th instant, regarding the schooner "*Con la Boca*," I have the honour to inform you that I have since heard the Clerk of the Harbour-office, M. J. de Pontevice, say, that he believed he could recollect, that when the said schooner was cleared out, a clerk from the commercial house of Anduse, Yverne, and Co., came to the office along with the captain, as his conductor.

With the greatest respect,

(Signed) J. A. KIÆR.

Harbour-office, St. Thomas, 8th October, 1838.

To His Honour, State Councillor Berg,
Police Master, K. D., &c. &c.

Produced in the Police Court, St. Thomas, 8th October, 1838,

(Signed) H. H. BERG.

In consequence of the above letter, and in pursuance of a summons sent, there attended and appeared in Court, Jean de Pontevice, clerk to the Harbour-office. He depones, that as there was lately made inquiry at the Harbour-office on the part of the Police, respecting the Spanish schooner "*Con la Boca*," Captain Ferreira, the Register was accordingly examined, when it was found that the said schooner and captain arrived on the 11th February this year, and sailed again on the following day. According to the entries made, she came from Sierra Leone in ballast, and went likewise in ballast to Havana. In calling to mind the name "*Con la Boca*," it struck the deponent that a clerk from the commercial house of Anduze, Yverne, and Co., had attended the captain as his conductor, but the deponent is by no means sure of this, and the deponent would not have been able to recollect anything about the matter, were it not that the name "*Con la Boca*," as a remarkable name, excited his attention, and occasioned him to ask the person who went along with the captain what it signified, who gave this curious reply in English:—"It means with the mouth." The name of this person, the deponent cannot recollect, and, as before said, it merely struck him that he was one of Anduze, Yverne, and Co.'s clerks. The deponent has never before now heard, that the said vessel sold here a cargo of slaves; that is to say, all the information he has on the subject is, what is contained in the letter from the Board of Customs and Commerce. The deponent is of opinion, that the report of a cargo of slaves having been sold here, is utterly false, and that such a transaction could not possibly take at this island, and so much the less in this particular instance, as the schooner came from an English settlement, and scarcely remained here longer than from the evening of one day till the morning of the next, as she was one of the last vessels that arrived here on the 11th of February this year, and one of the first that cleared out on the following morning. The deponent declared that he knows nothing further to communicate in elucidation of this matter. Remanded.

Jean Baptiste Anduze, burgher and merchant of this place, chief of the commercial house of Anduze, Yverne, and Co., having been sent for, now attended and appeared in Court. On being interrogated, he deposed, that he knows of no schooner, "*Con la Boca*," commanded by Captain Ferreira, and has not the least knowledge of any such schooner having been here from St. Thomas; and he is perfectly certain that no such vessel was addressed to his house, or that his house had anything in the least degree to do with it. He has never heard of any vessel having sold a cargo of slaves at this island. He was thereupon informed by the Court of the opinion which had been started, that one of the clerks of his house had accompanied Captain Ferreira to the Harbour-office, to which he answered, that this must be a mistake, as none of his clerks had anything to do with him, for that he, the deponent, having heard that it had been mentioned at the Custom-house, that one of his clerks had accompanied the captain, he had accordingly questioned his clerks whether this was the case or not, when they all

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answered that they knew nothing about the matter. The house has at present three clerks, viz., Pierre Constant, Peché Goyriis, and Jules Anduze. Being asked whether these clerks were in his service on the 11th February this year, the deponent answered, that he is not certain whether Peché was in the employment of the house, or in Yverne's private service. It is only about two months since Goyriis entered into the service of the house; but Jules Anduze was in the service of the house. The deponent then further stated, that at the time in question there was another person in his service of the name of Mancilla.—Dismissed.

Jean de Pontevice again appeared, who, on being interrogated, deposed that it is quite correct that M. Anduze (after it had been mentioned at the Harbour-office that one of the clerks of his house accompanied the Captain,) had caused inquiry to be made respecting the report. His partner, M. Gremon, had on that occasion called and asked about it, to which the deponent answered in the same manner as he has above explained, that it had struck him that such was the case, but only faintly.

Pierre Consant Peché, clerk to Anduze, Yverne and Co., appeared. He stated that he had been in this house's service ever since it was established, and consequently he was in its service in February last. Being interrogated, he thereafter deposed that he knows nothing of any schooner, "*Con la Boca*," commanded by Captain Ferreira, and that no such vessel has ever been consigned to the house of his principals, neither has he gone along with the Captain of any such vessel. Being asked of whom the house's clerks consisted in the month of February last, the deponent answered, that, in addition to himself, there were two persons, named Mancilla and Jules Anduze.—Dismissed.

Jean de Pontevice, who was present, declared that he is certain that this Pierre Constant Peché was not the person who accompanied Captain Ferreira, in the manner above described by the deponent.

Victor Mancilla having been sent for, appeared, and deposed that he has been employed as a clerk by the house of Anduze, Yverne and Co., and was in their service in the month of February last. He has never heard the name "*Con la Boca*" until now in this Court, and knows of no such schooner; neither does he know Captain Ferreira, much less has he accompanied any such Captain to the Harbour-office or Custom-house; nor has he any knowledge whatever of any such vessel having been consigned to the house of his *then* principals: he adds, that his duties were always confined to the house, and that he never attended at the Custom-house or Harbour-office. On being interrogated, the deponent further stated that beside him there were no others in the service of the house than Constant and Jules Anduze in the month of February last.—Dismissed.

Jean de Pontevice, who was present, declared, in reference to the last deponent, that he never saw him in the Harbour-office or Custom-house, and consequently he is not the person who attended Captain Ferreira. In respect to Jules Anduze, the deponent added that he knows him perfectly well, and is perfectly certain that it was not him either who called with Captain Ferreira.—Jean de Pontevice dismissed.

José Yverne, burger and merchant in this place, partner of the commercial house of Anduze, Yverne and Co., appeared. On being interrogated, he deposed that he does not know any schooner of the name "*Con la Boca*;" he, however, knows three brothers of the name Ferrer, but none of the name of Ferreira; the three brothers whom the deponent knows are natives of Catalonia. No such schooner as the one in question has been consigned to his house; for which reason he was not a little surprised, a couple of days ago, at hearing that it had been mentioned that a clerk of their house had attended the Captain to the Custom-house and Harbour-office; on which occasion M. Anduze had questioned the house's clerks, who knew nothing about the matter; and he likewise caused inquiry to be made at the Custom-house. On being interrogated, the deponent declares that he has not heard of any cargo of slaves having been sold at this island; and being further interrogated, he added that his house's clerks in the month of February this year consisted of Pierre Constant Peché, Mancilla and Jules Anduze.—Dismissed.

Adolph Gremon, burger and merchant of this place, and partner of the commercial house of Anduze, Yverne and Co., appeared. Being interrogated, he deposed that he knows no schooner of the name of "*Con la Boca*," neither does he know Captain Ferreira. It was only a couple of days ago that he heard that it had been reported that a clerk of their house had been along with the Captain to the Custom-house or Harbour-office, which occasioned M. Anduze to question the clerks in the

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house, who knew nothing about it; and on this occasion the deponent called at the Custom-house, to get information as to how the matter was, but there had been no clerk from the deponent's house at the Custom-house. On the other hand he heard that it was M. Pontevice, the clerk of the Harbour-office, who had said that it was one of the clerks of the house who had been along with Captain Ferreira. Whereupon the deponent took Pierre Constant Peché along with him, and confronted him with Pontevice, who maintained that he was the person, and that he would take his oath on it, although Constant Peché denied it in the most positive manner. On being interrogated, the deponent added that in last February the house's clerks consisted of the said Constant Peché, Mancilla, and Jules Anduze; he further added, that he has no knowledge whatever of any vessel having sold a cargo of slaves at this island, and that no such vessel had been consigned to the deponent's house, nor had his house in any the least degree had anything to do with such a vessel.—Dismissed.

The Police Master remarked, that in consequence of Gremon's deposition he sees reason for again examining Jean Pontevice and Pierre Constant Peché. But as both these persons had left the Court, and as the time besides was expired, this matter was therefore adjourned till to-morrow at 10 o'clock. Whereupon the Court broke up.

Above proceedings certified by H. H. BERG.

On the 9th October, 1838, at 10 o'clock A.M., the Police Court of St. Thomas was opened, held, and administered by the undersigned, in the presence of the witnesses Hoyer and Eichingen: when the preceding examination was continued.—

Pierre Constant Peché attended in consequence of a summons received, and appeared in Court. On being asked "whether he had not been at the Harbour-office along with Mr. Gremon to get an explanation of what had passed in reference to the schooner '*Con la Boca,*'" he answered, that such was really the case; *viz.* that he had gone along with Gremon both to the Custom-house and to the Harbour-office. At the Custom-house nobody recollected having seen any person with Captain Ferreira when he cleared; but Pontevice, the clerk at the Harbour-office, said that it was the deponent who had been with the Captain, and that he had asked deponent "what the name '*Con la Boca*' meant," and that the deponent had translated it, although he, the deponent, affirmed that he had not attended the Captain, that he had never been asked, nor had he tsanslated what the name "*Con la Boca*" meant; still Pontevice had persisted in erroneously maintaining that it was the deponent whom he had seen with the Captain; and he had even gone so far as to say he would take his oath on it. The deponent had asked him how he could take upon himself to say such thing, and on what he could ground such an assertion. Whereupon Pontevice had answered, that he grounded it on his memory. Latterly, however, he has become convinced of his error, and on this occasion has begged the deponent to pardon the mistake he had been guilty of.

Jean de Pontevice likewise appeared, to whom was pointed out the contradiction which exists between his deposition and that which Gremon and also Peché had made. To which he replied, that he certainly had been under the impression that it was Peché who came along with the Captain, and that it seemed to him so certain, that he had said that he would swear to it; but subsequently, on mature reflection, it appears to him that he was mistaken, and to such a degree, that he is quite sure, as he already stated yesterday, that it was not the present Constant Peché who had attended the Captain. He, however, added, on being more closely questioned by the Court, that he is not so very sure about it as that he can swear that it was not Constant Peché; but, on the other hand, he is ready to affirm on oath that, according to the best of his recollection, it was not Constant Peché who accompanied Captain Ferreira.—Dismissed.

As no more evidence was to be obtained at the time, the examination was closed, in order to be written out and sent to his Honour the Governor. Whereupon the Court broke up.

The above proceedings certified by H. H.BERG.

Conformable with the Police Journal of St. Thomas, and with the documents produced.

Witness the Jurisdiction Seal, and my Signature,

(Signed) H. H. BERG. (L. S.)

These are to certify that the foregoing is a faithful Translation of the Original Danish Document exhibited to me. Witness my Hand and Seal,

(Signed) J. MAC CAUL, *Interp. Reg. Jour.*

Copenhagen, 31st December, 1838.

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HANS TOWNS.

No. 14.

Mr. Henry Canning to Viscount Palmerston.—(Received May 4th.)

My Lord, *Hamburgh, 1st May,* 1838.

I have had the honour to receive your Lordship's Despatch, Slave Trade, dated April 19th, transmitting to me two printed copies of an additional article to the Treaty concluded at the Hague on the 4th of May, 1818, between Great Britain and the Netherlands, for the prevention of the traffic in slaves:—Also two printed copies of a Treaty by which the Hanse Towns have acceded to the Conventions between His late Majesty and the King of the French, for the more effectual suppression of the traffic in slaves; and also two printed copies of a Treaty, by which the Grand Duke of Tuscany has acceded to the above-mentioned Convention between His late Majesty and the King of the French.

I have, &c.

(Signed) HENRY CANNING.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c

No. 15.

Viscount Palmerston to Mr. Henry Canning.

Sir, *Foreign Office, May 16th,* 1838.

I have had under my consideration your Despatch, Slave Trade, of the 6th of February, relating to the provisions of the Sixth Article of the Convention of accession of the Hanse Towns, to the Conventions between Great Britain and France on Slave Trade.

It appears from your Despatch, that apprehensions have been entertained by some of the merchants of Bremen and Hamburgh, that the provisions of that Article might expose to the risk of capture or detention, their merchant ships fitted up *bonâ fide* for carrying free emigrants as passengers; and that for the purpose of guarding against such apprehended risk, a proposition had been made on the part of the Senates of the Hanse Towns, that the Plenipotentiaries who signed the said Convention of Accession, should further sign and make public a Declaratory Protocol, giving power to the Senates to grant to masters of vessels a particular form of passport or certificate, under which vessels should pass free of seizure.

I entirely approve of the objection which you stated to the plan for empowering the Senates to issue to the masters of vessels any certificate to the effect proposed; for it cannot be doubted that such a measure would be open to abuse, and would be liable to be taken advantage of by fraudulent persons, for the purpose of evading the objects of the Convention.

Her Majesty's Government, therefore, decline to agree to the Protocol, and its accompanying certificate; but you will state to the Senate of the Hanse Towns, that no inconvenience whatever has hitherto resulted from the Article in question, to the emigrant ships of France and England, and that there does not appear to be any reason to apprehend, that those of the Hanse Towns, when bound on legal pursuits only, will suffer any molestation from the operation of that Article.

I am, &c.

(Signed) PALMERSTON,

Henry Canning, Esq.,
&c. &c. &c.

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No. 16.

Viscount Palmerston to Mr. Henry Canning.

SIR, *Foreign Office, May 24th,* 1838.

I HEREWITH transmit, for your information, four copies of two series of papers relating to the Slave Trade, which have been presented to Parliament, during the present Session, by Her Majesty's command.

I am, &c.

(Signed) PALMERSTON.

Henry Canning, Esq.,
&c. &c. &c.

No. 17.

Viscount Palmerston to Mr. Henry Canning.

SIR, *Foreign Office, June 9th,* 1838.

I HEREWITH transmit to you the copy of a resolution which was voted unanimously by the House of Commons on the 10th of May, 1838, for an address to Her Majesty upon Slave Trade, and a copy of the answer, which, on the 23rd of the same month, Her Majesty was pleased to return to that address.

You will see from these papers the unceasing and anxious desire of the Parliament and Government of this country, for the extinction of the traffic in slaves.

I am, &c.

(Signed) PALMERSTON.

Henry Canning, Esq.
&c. &c. &c.

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TUSCANY.

No. 18.

Mr. Abercrombie to Viscount Palmerston.—(Received May 15.)

MY LORD, *Florence, May 5, 1838.*

I HAVE the honour to acknowledge the receipt of your Lordship's Slave Trade Despatch of the 19th of April, 1838, transmitting to me two printed copies of an additional Article to the Treaty concluded at the Hague on the 4th of May, 1818, between Great Britain and the Netherlands for the prevention of the traffic in slaves; two printed copies of a Convention, by which the Hans Towns have acceded to the Conventions between His late Majesty and the King of the French, for the same object; and two printed copies of a Convention, by which the Grand Duke of Tuscany has acceded to the above-mentioned Conventions between His late Majesty and the King of the French, also for the more effectual suppression of the Slave Trade.

In acknowledging the receipt of these various documents, I beg to express to your Lordship my thanks for the communication of them.

I have, &c.

(Signed) RALPH ABERCROMBIE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 19.

Viscount Palmerston to Mr. Abercrombie.

SIR, *Foreign Office, May 24, 1838.*

I HEREWITH transmit for your information, a copy of two series of papers relating to the Slave Trade, which have been presented to the two Houses of Parliament during the present Session, by Her Majesty's command.

I am, &c,

(Signed) PALMERSTON.

To Ralph Abercrombie, Esq.
&c. &c. &c.

No. 20.

Viscount Palmerston to Mr. Abercrombie.

SIR, *Foreign Office, June 9, 1838.*

I HEREWITH transmit to you the copy of a resolution, which was voted unanimously by the House of Commons on the 10th of May, 1838, for an address to Her Majesty upon Slave Trade, and a copy of the answer, which, on the 23rd of the same month, Her Majesty was pleased to return to that address.

You will see from these papers the unceasing and anxious desire of the Parliament and Government of this country for the extinction of the traffic in slaves.

I am, &c.

(Signed) PALMERSTON.

To Ralph Abercrombie, Esq.
&c. &c. &c.

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No. 21.

Mr. Aubin to Viscount Palmerston.—(Received June 26.)

My Lord, *Florence, 15th June,* 1838.

I have the honour to acknowledge the receipt of your Lordship's Despatches of the 24th and 28th ult. addressed to Mr. Abercrombie, and I beg leave to mention, that the enclosures referred to in the former were not received with the Despatch, a circumstance which I attribute to the size of the papers, they being probably too voluminous to be transmitted by the ordinary post.

I have, &c.

(Signed) THOMAS AUBIN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 22.

Mr. Aubin to Viscount Palmerston.—(Received July 6.)

My Lord, *Florence, 22nd June,* 1838.

I have the honour to acknowledge the receipt of your Lordship's Despatch of the 19th instant, addressed to Mr. Abercrombie, enclosing the copy of a resolution which was voted unanimously by the House of Commons on the 10th of May, 1838, for an address to Her Majesty upon the Slave Trade, and a copy of the answer, which on the 23rd of the same month, Her Majesty was pleased to return to that address.

I beg to inform your Lordship that I have communicated those papers to the Tuscan Government, in order that they may see from them the unceasing and anxious desire of the Parliament and Government of Great Britain for the extinction of the traffic in slaves.

I have, &c.

(Signed) THOMAS AUBIN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 23.

Mr. Aubin to Viscount Palmerston.—(Received July 6.)

My Lord, *Florence, 26th June,* 1838.

With reference to my Despatch of the 23rd instant, I have the honour to enclose herewith to your Lordship the copy of Count Fossombroni's reply to my letter, transmitting to His Excellency a copy of the address unanimously voted to Her Majesty by the House of Commons, on the 10th of May, for the extinction of the traffic in slaves, and of the answer which Her Majesty was pleased to return to that address on the 23rd of the same month.

Count Fossombroni's reply is to the effect, that he has read those papers with the highest interest and laid them before his Imperial and Royal Highness the Grand Duke.

I have, &c.

(Signed) THOMAS AUBIN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 23.

Count Fossombroni to Mr. Aubin.

Le soussigné, &c., a eu l'honneur de reçevoir la note en date du 22 courant, par la quelle M. Aubin, &c., a bien voulu lui transmettre un exemplaire imprimé

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d'une instance adressée par le Parlement à Sa Majesté la Reine de la Grande Brétagne, au sujet de l'extinction de la traite des noirs, et de la réponse qui y a été faite par Sa Majesté.

En offrant à M. Aubin bien de remercimens de la communication de la dite pièce, qui a été lue avec le plus vif intérêt et qui va être élevée à la connaissance de S. A. I. & R. Monseigneur le Grand Duc, le soussigné prie, &c.

(Signé) V. FOSSOMBRONI.

Florence, le 25 *Juin,* 1838.

(Translation.)

THE undersigned, Secretary of State, Minister for Foreign Affairs, has had the honour to receive the note, dated the 22nd instant, by which Mr. Aubin, Chargé d'Affaires of England, has sent a printed copy of a prayer, addressed by Parliament to Her Majesty the Queen of Great Britain, on the subject of the extinction of the Slave Trade, together with the answer made by Her Majesty thereto.

In offering to Mr. Aubin many thanks for the communication of this document, which has been read with the liveliest interest, and which is about to be brought to the notice of His Imperial and Royal Highness the Grand Duke, the undersigned begs, &c.

(Signed) V. FOSSOMBRONI.

The British Chargé d'Affaires.

No. 24.

Mr. Aubin to Viscount Palmerston.—(*Received July* 17.)

MY LORD, *Florence, July* 7, 1838.

IT was reported to Mr. Abercrombie at Leghorn, that a Spanish vessel from Malaga came to that port three months back, and underwent very extensive repairs; that she was sold, or nominally so, in order to change her flag, and obtain Tuscan papers; and that, having succeeded in this, she cleared out from Leghorn in the beginning of May, ostensibly for Gibraltar, but that she was really intended for the Slave Trade on the coast of Guinea. Her name is the "*Cleopatra,*" about 250 tons. She has three masts, and is a remarkably good sailer.

Having received these particulars, I communicated them to Count Fossombroni, giving him to understand that I supposed the Grand Duke's Government already knew them. I did so likewise to M. Casini, the Under Secretary of State.

Count Fossombroni and M. Casini both expressed their conviction, that the information was incorrect, as far as related to the carrying on of the Slave Trade, but said that a ship called the "*San Guiseppe,*" commanded by a man of the name of Cremoni, a native of Tuscany, had come to Leghorn, and that there were so many circumstances relating to her similar to those I had stated of the "*Cleopatra,*" that Cremoni's ship must be the one alluded to.

The "*San Guiseppe*" came from some port in Spain to Leghorn about the time when the "*Cleopatra*" is said to have arrived there. She underwent repairs, and sailed about the 12th of April for Genoa, where she arrived on the 14th.

M. Casini assured me that the repairs made in her at Leghorn gave not the smallest indication that she was intended to take slaves on board. The impression of the Government was, that she was fitting, for the purpose of carrying on a contraband trade on the coast of Spain, or perhaps to convey arms and assistance to the Carlists.

Tuscan papers, and the Tuscan flag, were granted to the "*San Guiseppe,*" the ship being, as I am told, entitled to them, in consideration of two-thirds of her crew being composed of Tuscan sailors, who were engaged at Leghorn.

At Genoa, some articles of merchandise, consisting of silks, were taken on board; and the captain armed the ship with two guns, a thing which he had been prevented from doing at Leghorn.

Since Genoa, no intelligence has been received here of her, notwithstanding that the Tuscan Consuls at Barcelona and Gibraltar have had particular instructions to keep watch over her proceedings, and report them, if she should put into those ports.

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Though Count Fossombroni and M. Casini are of opinion that the "*Cleopatra*" and the "*San Guiseppe*" are the same ship, and that the information is incorrect as to what regards the Slave Trade, I am not entirely convinced myself upon that point; and I have taken steps, by writing to Leghorn, which will enable me, I hope, to see clearer into the matter.

I have, &c.
(Signed) THOMAS AUBIN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 25.

Mr. Aubin to Viscount Palmerston.—(Received July 20.)

My Lord, *Florence, 10th July,* 1838.

With reference to my Despatch of the 7th inst. I have the honour to state to your Lordship, that the information which I have received from Her Majesty's Consul at Leghorn, in answer to the inquiries I made respecting the two ships repaired and fitted out at that port during the spring, under suspicious circumstances, amounts to the following:—

The "*San Guiseppe*" and "*Cleopatra*" cleared out from Leghorn, under Tuscan colours, the former on the 17th of April, with a cargo of grain and manufactures for Genoa; the latter on the 24th of the same month, in ballast for Gibraltar.

The "*Cleopatra,*" said to be originally Greek, came from Gibraltar, furnished with a *passavanti* from the Tuscan Consul there, and obtained the Tuscan flag at Leghorn, in consequence, as it is presumed, of having become Tuscan property.

The "*San Guiseppe*" was Spanish, and must have obtained the Tuscan flag under similar circumstances. She is said to have arrived at Gibraltar.

It has been rumoured that the "*Cleopatra*" had formerly been engaged as a slaver, and that she has returned to her old trade; but this requires confirmation.

The foregoing information, taken in connexion with what I had already had the honour to report to your Lordship, shows, that if decided proofs be wanted as to the "*Cleopatra*" being intended for the Slave Trade, yet there are circumstances relating to that ship which render her very suspicious.

With regard to the "*San Guiseppe,*" she is also involved in mystery; and whether she remains in the Mediterranean or sails out of it, her proceedings will deserve to be watched.

If she passes the Straits of Gibraltar she will probably prove to be a slaver; and if she remain in the Mediterranean, it is more than probable that she will be employed in serving the Carlists.

I shall take an early opportunity of speaking to Count Fossombroni on this matter, and make his Excellency understand that Tuscany, having now a Slave Trade Convention with England, it behoves the Government of the Grand Duke to be on the alert, and to examine well into cases like those of the "*Cleopatra*" and "*San Guiseppe,*" before Tuscan papers and the Tuscan flag are granted to such ships.

I have, &c.
(Signed) THOMAS AUBIN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 26.

Mr. Aubin to Viscount Palmerston.—(Received August 3.)

My Lord, *Florence, 24th July,* 1838.

With reference to what I had the honour to state to your Lordship in my Despatch of the 7th inst. relative to the ship "*San Guiseppe,*" I beg now to inform your Lordship that the Tuscan Consul at Gibraltar has reported to his Government that that ship has been sold there to a foreigner, and that Cremoni the Commander has deposited in the hands of the Consul the papers which authorized the

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"*San Guiseppe*" to sail under the Tuscan flag. She is consequently struck off the list of merchantmen belonging to the Grand Duchy.

This Government could not inform me of what nation was the foreigner that became the purchaser, or what flag she was to carry, nor whether Cremoni, and the Tuscan sailors, who formed the chief part of her crew, were to continue to remain in her.

I have, &c.

(Signed) THOMAS AUBIN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 27.

Mr. Aubin to Viscount Palmerston.—(Received August 5.)

My Lord, *Florence, 25th July*, 1838.

The Marquis of Lajatico, Under Secretary of State in the Foreign Department here, called upon me yesterday to say, that at Alexandria Her Majesty's Consul had told the Consul of His Imperial and Royal Highness, the Grand Duke, that, by virtue of the Slave Trade Convention, concluded between Great Britain and Tuscany, a steam-boat in which he, the Tuscan Consul, has a share, was liable to be searched and confiscated, if any slaves were found on board.

This has alarmed the Tuscan Consul for the share he owns in the steamer; because among the persons who embark as passengers in her there are some, at times, that have Moorish and Egyptian servants, who may be considered as slaves. As, however, they are domestics, and not brought on board for the purpose of being sold, the Tuscan Consul has written to inquire of his Government, whether the meaning given to the Convention by the Consul of Her Majesty in this particular is not too much strained.

The Marquis of Lajatico begged to know my opinion; but as there may be something more to be told on the subject than what has been communicated by the Tuscan Consul, I said it would be better for me to refer the question to your Lordship, who no doubt would deal with it, and decide it as it merited.

I have, &c.

(Signed) THOMAS AUBIN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 28.

Viscount Palmerston to Mr. Aubin.

Sir, *Foreign Office, 15th August*, 1838.

I have received your Despatch of the 25th ultimo upon the subject of an alarm, felt by the Tuscan Consul at Alexandria, least a steam-boat, in which it appears he has a share, should be captured under the Slave Trade Convention with Tuscany, in consequence of her having on board Moorish and Egyptian servants who may be considered as slaves; and I have to refer you, on this point, to those Stipulations of the Conventions in question, which fix the limits within which the right of search granted by those Conventions is confined.

I am, &c.

Thomas Aubin, Esq. (Signed) PALMERSTON.
&c. &c. &c.

No. 29.

Viscount Palmerston to Mr. Aubin.

Sir, *Foreign Office, 23rd August*, 1838.

I herewith transmit to you the copy of a communication, which I have received from Her Majesty's Consul at Alexandria, stating that a considerable number of negroes are conveyed from Egypt, in European vessels, to Turkey and Bar-

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bary to be retained as slaves there, and suggesting some regulations for preventing that practice, and for securing liberty to the negroes conveyed in European vessels to African ports in the Mediterranean.

I desire that you will communicate the paper in question to the Government to which you are accredited, and add, that Her Majesty's Government are of opinion, that the suggestions of Mr. Thurburn may be adopted with benefit to the cause of the suppression of Slave Trade, and that Her Majesty's Government hope, that the Tuscan Government will give instructions to their Consuls in the Mediterranean to carry into effect the regulations proposed by him.

I am, &c.

Thomas Aubin, Esq. (Signed) PALMERSTON.
&c. &c. &c.

Enclosure in No. 29.

Mr. Thurburn to Viscount Palmerston, Alexandria, July 16, 1838.

(See Class D., No. 25, page 15.)

No. 30.

Mr. Aubin to Viscount Palmerston.—(Received September 7.)

My Lord, *Florence, 27th August,* 1838.

I have had the honour to receive your Lordship's Despatch, marked Slave Trade, of the 15th inst.

Shortly after the receipt of it, I called at the Office for Foreign Affairs, and communicated to the Marquis of Lajatico, Under Secretary of State, what your Lordship is pleased to point out, concerning the Stipulations of the Slave Trade Conventions between Great Britain and Tuscany, which fix the limits within which the right of search granted by those Conventions is confined.

The Marquis of Lajatico immediately referred to the Stipulations; and after having read them, said he would forward a copy to the Tuscan Consul at Alexandria, to ease him of his fears for the share he owns in the steam-boat that sometimes carries Moorish and Egyptian servants, who may be considered as slaves.

This led me to inquire how it was that the Tuscan Government had not yet published the Convention.

The Marquis of Lajatico replied, that the Government wished, when they published it, to promulgate, at the same time, a penal law for the severe punishment of Tuscans convicted of being engaged in the Slave Trade. The law not being ready, the publication of the Convention has been delayed, but the Marquis of Lajatico assured me it should not be put off much longer.

I have, &c.

(Signed) THOMAS AUBIN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 31.

Mr. Aubin to Viscount Palmerston.—(Received September 14.)

My Lord, *Florence, 3rd September,* 1838.

I have had the honour to receive your Lordship's Despatch of the 23d ult. In obedience to the instructions it contained, I have addressed to Count Fossombroni a note, of which I enclose the copy, and wherewith I transmitted to his Excellency the communication, addressed by Her Majesty's Consul at Alexandria to your Lordship, respecting the negroes conveyed from Egypt in European vessels to Turkey and Barbary, to be retained as slaves there.

I have, &c.

(Signed) THOMAS AUBIN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

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Enclosure in No. 31.

Mr. Aubin to Count Fossombroni.

MONSIEUR LE COMTE, *Florence, 3rd September*, 1838.

I HAVE the honour to inform your Excellency, that I have been instructed by my Government to make known to the Government of His Imperial and Royal Highness the Grand Duke, a communication, of which a copy is herewith enclosed, addressed to Her Majesty's Principal Secretary of State for Foreign Affairs, by Mr. Thurburn, British Consul at Alexandria, stating that a considerable number of negroes are conveyed from Egypt in European vessels to Turkey and Barbary, to be retained as slaves there, and suggesting some regulations for preventing that practice, and for securing liberty to the negroes, conveyed in European vessels to African ports in the Mediterranean.

I am at the same time instructed to add, that Her Majesty's Government are of opinion, that the suggestions of Mr. Thurburn may be adopted with benefit to the cause of the suppression of the Slave Trade; and that her Majesty's Government hope that the Tuscan Government will give instructions to their Consuls in the Mediterranean to carry the regulations proposed by him into effect.

I have, &c.
(Signed) THOMAS AUBIN.

The Count Fossombroni,
&c. &c. &c.

No. 32.

Viscount Palmerston to Mr. Aubin.

SIR, *Foreign Office, 5th October*, 1838.

I HAVE received a communication from Mr. Thurburn, enclosing copy of a Despatch, addressed by the Tuscan Government to their Consul at Alexandria, respecting the alleged exportation of slaves from Alexandria to Constantinople, in Tuscan vessels.

I herewith enclose a copy of the Despatch in question; and I have to desire that you will suggest to the Tuscan Government, that some more positive orders, than those which are contained in that Despatch, ought to be given by the Tuscan Government, to prevent Tuscan ships and the Tuscan flag from being employed in a trade, which has been reprobated and stigmatised by the general consent of Christendom.

The Tuscan Minister observes, that the only circumstance to be noted by any person who transports slaves in a vessel under the Tuscan flag, is, that slaves put on board Tuscan ships become from that moment free, if they claim the protection of that flag. But this declaration, so far as the helpless slaves in question are concerned, becomes, in practice, entirely nugatory.

These slaves speak no European language; they have no means of becoming acquainted with the right, which the Tuscan Government acknowledges they possess; and being probably held under restraint by their masters during the whole voyage, they must be utterly destitute of any means of availing themselves of such right. Besides, it is to be remembered, that to tell such persons that they are free, without providing for them some means of existence, and some temporary protection, is almost a mockery; and for these reasons it is evident, that some more effective measures are required to be taken by the Tuscan Government upon the subject.

Other Governments have declared that vessels concerned in such an employment, in any part of the world, shall receive no protection from their flag; and the Government of Russia, in particular, has made such a declaration in a formal and public manner.

I enclose to you a copy of the Proclamation, issued to Russian Consuls on this subject.

I enclose also a copy of the Portuguese Order, recently issued for the prohibition of the Slave Trade.

I enclose likewise a copy of a Circular to her Majesty's Consuls in the Levant,

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issued in 1832, prohibiting, under the severest penalties, the employment of the British flag, in the very occupation in which the Tuscan vessels are now said to be ordinarily engaged.

The Tuscan Government will doubtless be willing to follow examples thus set them by other Powers.

It appears to Her Majesty's Government, that the simplest and most unobjectionable way of securing the Tuscan flag from the discredit which attaches to such an occupation, will be to prohibit positively, and under severe penalties, the employment of any Tuscan ship in that manner, and to instruct all the Tuscan Consuls to use their utmost diligence to enforce the law which shall inflict such penalties.

An opportunity for an enactment to this effect will be afforded by the passing of the law which, in your Despatch of the 27th of August last, you state is in preparation, for the punishment of Tuscan subjects convicted of being engaged in the Slave Trade.

You will therefore communicate the observations contained in this Despatch to the Tuscan Minister, and will suggest to him the propriety of extending the provisions of that law, specifically to the carrying of slaves, under any pretext whatever, in those seas in which, by the Convention of the 30th of November, 1831, the mutual right of search cannot be exercised.

I am, &c.

Thomas Aubin, Esq., (Signed) PALMERSTON.
&c. &c. &c.

First Enclosure in No. 32.

Mr. Thurburn to Viscount Palmerston, Alexandria, August 14, 1838.

(See Class D., No. 27, page 16.)

Second Enclosure in No. 32.

Circular to Russian Consuls.

(See Enclosure in No. 176, p. 130, Class B. 1835.)

Third Enclosure in No. 32.

Portuguese Decree, December 10, 1836.

(See Enclosure in No. 72, p. 41, Class B. 1836.)

Fourth Enclosure in No. 32.

Circular to Her Majesty's Consuls in the Levant.

SIR, *Foreign Office, 13th July*, 1832.

THE attention of His Majesty's Government having been drawn to a practice which is said to exist in the Levant, of transporting slaves between Turkish ports by vessels under the British flag, I have to call your attention to a proclamation issued by the Governor of Malta, under date of the 21st of March, 1823, making known the determination of His Majesty's Government to enforce, with the utmost strictness, the provisions of the Act of the 46 Geo. III. cap. 52, which imposes penalties on all persons who should, in the slightest degree, be concerned in the traffic in slaves; and I have to desire that you will give the utmost publicity to the before-mentioned proclamation, and that you will use all the means in your power to discountenance the practice of transporting Turkish slaves in British vessels.

I am, &c.

(Signed) PALMERSTON.

Her Majesty's Consuls in the Levant.

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Sub Enclosure in No. 32.

Proclamation.

The Right Honourable Sir Thomas Maitland, Governor, &c.

Although the anxiety of His Majesty's Government to annihilate *in toto* the disgraceful traffic in slaves must be known to every individual,—and, though the public at large must be aware of the fixed determination of the British Government to carry this humane object into effect, still there may be many persons who are ignorant of the legal penalties they are liable to incur, from being, even in the slightest manner, concerned in the above most inhuman traffic.

His Excellency the Governor, therefore, deems it advisable to proclaim and direct as follows:—

1st. All offences of this kind, committed within the Ports or Harbours of these Islands, or upon the high seas, or any parts within the jurisdiction of the Admiralty, will be tried before the Court established in this Island for the trial of piratical offences.

2nd. It is the most positive determination of His Excellency, in all instances connected with this infamous traffic, to enforce the law with the utmost strictness and severity.

3rd. The last Acts of the British Parliament, relative to the abolition of the Slave Trade, shall forthwith be printed in the Italian language, and kept at the Government Printing Office for public distribution.

4th. It having come to the knowledge of Government, that many slaves have been made during the present unhappy and sanguinary contest in Greece, and that, in some instances, such slaves have been transported in British or Maltese vessels, it is clearly to be understood, though not specifically mentioned in the Acts of Parliament above alluded to, that in every instance the carrying of even a single slave will make all such vessels amenable to the general laws for the abolition of the Slave Trade.

5th. All Magistrates, Custom-house Officers, and every other Functionary of Government to whom it may apply, are hereby enjoined and commanded to exert themselves with unremitting vigilance and industry, in carrying into effect the purport of the present proclamation.

Palace, Valetta, 21st March, 1823.

By Command of His Excellency,
RICHARD PLASKET,
Chief Secretary to Government.

L'Onorabilissimo Sir Thomas Maitland, Governatore, ecc.

Quantunque a ciascun individuo debba esser nota la sollecitudine del Governo di Sua Maestà, di totalmente annichilire l'ignominioso Traffico negli Schiavi;—e quantunque il publico in generale debba essere informato della decisa determinazione del Governo Brittanico, di portare ad effetto questo umano oggetto, pure, possono esservi persone che ignorino le penalità legali, a cui si assoggettano ingerendosi, nel benchè menomo grado, in tale inumanissimo traffico.

Sua Eccellenza il Governatore, pertanto, crede proprio di proclamare ed ordinare quanto segue:—

1mo. Di tutt' i delitti di questa specie, commessi nei porti di queste Isole, od in alto mare, od in qualunque luogo entro la giurisdizione dell' Ammiragliato, si prenderà cognizione della Corte stabilita in quest' Isola, pel giudizio di delitto de di Pirateria.

2do. L'Eccellenza Sua è nella positiva determinazione di far esseguire la legge, colla massima rigidezza e severità, in qualunq e caso avente relazione con questo infame traffico.

3zo. Gli ultimi Statuti del Parlamento Britannico, relativi all' abolimento del Commercio negli Schiavi, saranno tosto stampati in lingua Italiana, e tenuti per distribuirsi al pubblico, nella Stamperia del Governo.

4to. Essendo venuto alla cognizione del Governo, che, nel decorso dell' attuale disgraziata e sanguinosa lotta nella Grecia, siano stati fatti molti Schiavi, e che questi siano stati, in alcuni casi, trasportato a bordo di Bastimenti Inglesi o Maltesi, si dee chiaramente intendere, (quantunque non specificamente menzionato negli Statuti del Parlamento sopra accennati) che, in qualunque caso, il trasporto di un solo Schiavo assoggettera simili Bastimenti alle leggi generali fatte par l'abolimento del Commercio negli Schiavi.

5o. Tutt' i Magistrati, Ufficiali di Dogana, e qualunque altro Funizionario del Governo, a cui possa risguardare, vengono col presente ingiunti e comandati d'impegnersi, con incessante vigilanza ed industria, a portare ad effetto l'oggetto di questo Proclama.

Dal Palazzo, la Valetta, a'dì 21 Marzo, 1823.

Per Comando Eccellenza,
RICHARD PLASKET,
Principale Segretario di Governo.

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No. 33.

Mr. Aubin to Viscount Palmerston.—(*Received October* 30, 1838.)

My Lord. *Florence, October 19th,* 1838.

With reference to my Despatch marked Slave Trade, of the 3rd of September, I have the honour to enclose copy of the answer, which I yesterday received from the Tuscan Government to my communication of the 3rd ultimo.

Having, soon after the receipt of the answer, met Prince Neri Corsini, who, in the absence of the Minister for Foreign Affairs, had written it, I brought the subject into consideration, with a view to make the Prince explain himself in more definite terms than he had done in his note. He is of opinion, that the regulations suggested by Her Majesty's Consul at Alexandria are so far unnecessary with regard to Tuscan vessels, that as soon as a slave puts his foot on board a ship bearing the Tuscan flag, he by that act becomes a free man, and is from that time at liberty to quit whom he will, or to follow whom he pleases.

Upon this point I remarked to Prince Neri Corsini, that it was with a view to secure the liberty thus acquired to the individuals, who had been fortunate enough to gain it, that the regulations in question had been proposed; moreover, as it must sometimes happen, that slaves are conveyed in Tuscan vessels from one port to another in the Levant, without knowing that they have acquired their freedom by being under the Tuscan flag, they would no longer remain ignorant of this benefit if the regulations in question were adopted.

The Prince also objected to bring the Convention of the 24th of November, 1837, into operation, within a space to which its provisions did not apply; but I observed, that, if the provisions of the Convention be confined within certain limits, it did not follow that the spirit of humanity must be restricted, which actuated the parties to the Convention when they made it. He did not deny this; but still as there was a Convention it was desirable, he said, that it should be adhered to, till the Tuscan Government saw what steps were taken by other States in the Mediterranean, who had a similar Convention with Great Britain.

I have since received from Prince Neri Corsini a letter, informing me that he was going away on leave of absence for about twenty days, and requesting that I would address any communication I might desire to make, to the Minister of Finance, who would supply his place, and that of the Secretary of State for Foreign Affairs, till their return.

Conceiving that it would be useless to press the subject of this Despatch any more at present, upon the attention of the Tuscan Government, I shall wait for further instructions from your Lordship relative to it.

I am, &c.

(Signed) THOMAS AUBIN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 33.

(Translation.) *Prince Corsini to Mr. Aubin.*

M. le Chevalier, *Florence, 17th October,* 1838.

Having taken into consideration the Report of the British Consul at Alexandria, which you did me the honour to communicate to me by your letter of the 3rd of September last, I have observed that the proposals therein contained, tended towards the extension of measures for the repression of the Slave Trade in the Mediterranean Sea, which is not comprised in the Convention of November, 24, 1837.

Looking at the matter in this point of view, the conviction forced itself on me, and, I hope, will on you, that the measures which it might be considered proper to take, could never attain their philanthropic object, without the concurrence of the other Powers who have acceded to the Convention above-mentioned.

It is in consequence of this consideration that I have to inform you, Sir, that

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Tuscany, without taking the lead in this important affair, reserves her decision till the dispositions of the other Powers shall be known.

Accept, &c.

The British Chargé d'Affaires. (Signed) NERI CORSINI.

No. 34.

Mr. Aubin to Viscount Palmerston.—(Received November 2.)

MY LORD, *Florence, 22d October,* 1838.

I HAVE had the honour to receive your Lordship's Despatch of the 5th instant marked Slave Trade, of the 5th instant, with its enclosures, brought to me yesterday by the messenger Waring

I enclose a copy of the note which, in obedience to the instructions contained in it, I have addressed to the Count Fossombroni, respecting the exportation of slaves in Tuscan vessels in the ports of the Levant.

I have, &c.

(Signed) THOMAS AUBIN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.,

Enclosure in No. 34.

Mr. Aubin to Count Fossombroni.

MONSIEUR LA COMTE, *Florence, 22nd October,* 1838.

I HAVE the honour to inform your Excellency, that a communication has been received by my Government from the British Consul at Alexandria, enclosing a copy of a Despatch addressed on the 21st of July last by the Government of his Imperial and Royal Highness the Grand Duke of Tuscany to M. A. de Rosetti, respecting the alleged exportation of slaves from Alexandria to Constantinople in Tuscan vessels.

I have, in consequence, been instructed by the Government of Her Majesty to suggest to the Government of his Imperial and Royal Highness the Grand Duke, that some more positive orders than those which are contained in that Despatch ought to be given by the Tuscan Government to prevent Tuscan ships and the Tuscan flag from being employed in a trade which has been reprobated and stigmatised by the general consent of Christendom.

In the Despatch to M. de Rosetti it is stated that the only circumstance to be noted by any person who transports slaves in a vessel under the Tuscan flag is, that slaves put on board Tuscan ships become from that moment free, if they claim the protection of that flag.

But this declaration, so far as the helpless slaves in question are concerned, becomes in practice entirely nugatory.

These slaves speak no European language; they have no means of becoming acquainted with the right which the Tuscan Government acknowledges that they possess; and being probably held under restraint by their masters during the whole of the voyage, they must be utterly destitute of any means of availing themselves of such right. Besides, it is to be remembered, that to tell such persons that they are free, without providing for them some means of existence, and some temporary protection, is almost a mockery, and for these reasons it is evident, that some more effective measures are required to be taken by the Tuscan Government upon the subject.

Other Governments have declared that vessels concerned in such an employment, in any part of the world, shall receive no protection from their flag, and the Government of Russia in particular has made such a declaration in a formal and public manner.

I enclose to your Excellency a copy of the proclamation issued to Russian Consuls on this subject. I enclose also a copy of the Portuguese order, recently issued for the prohibition of the Slave Trade.

I enclose, likewise, copy of circular to Her Majesty's Consuls in the Levant,

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issued in 1823, prohibiting, under the several penalties, the employment of the British flag in the very occupation in which the Tuscan vessels are now said to be ordinarily engaged. The Tuscan Government will doubtless be willing to follow examples thus set them by other Powers.

It appears to Her Majesty's Government, that the simplest and most unobjectionable way of effectually securing Tuscan ships and the Tuscan flag from the discredit which attaches to such an occupation, will be to prohibit positively, and under severe penalties, the employing any Tuscan ship in that manner, and to instruct all the Tuscan Consuls to use their utmost diligence to enforce the law which shall inflict such penalties.

An opportunity for an enactment to this effect will be afforded by the passing of the law which has been announced to me to be in preparation, by the Government of the Grand Duke for the punishment of Tuscan subjects convicted of being engaged in the Slave Trade; and I am instructed to suggest to your Excellency the propriety of extending the provisions of that law specifically to the carrying of slaves under any pretext whatever in those seas, in which, by the Convention of the 30th November, 1831, the mutual right of search cannot be exercised.

I shall avail myself of this opportunity to acknowledge the receipt of your Excellency's note of the 17th instant, in answer to mine of the 3rd September last. In doing so, I cannot help saying, that it gave me infinite pain to see so little warmth manifested in it upon a subject of such exciting interest.

Surely the parties who entered into a Convention for the suppression of a most barbarous traffic in the Atlantic, will not stifle their sentiments of humanity in the Mediterranean, when it is discovered that similar provisions are called for there.

It may be true that the conveyance of slaves from one port to another of Turkey in European vessels, is not attended with the same horrors which stigmatise the traffic on the Western Coast of Africa, yet it is a branch of that iniquitous commerce; it promotes it by creating a demand for slaves in the interior parts of the country, and it therefore deserves the most serious attention of every civilized Government.

With regard to the reluctance, which your Excellency states to be felt by the Tuscan Government, to step forward in so important an affair, by reason that there are other parties to the Convention, I would with all humility suggest, that if the Tuscan Government think it expedient to stand upon formalities on this ground, it can, at all events, till such scruples be satisfied, prohibit its own flag from being employed in the occupation in which it is said to be engaged in the Levant.

I have, &c.

(Signed) THOMAS AUBIN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 35.

Mr. Aubin to Viscount Palmerston.—(Received November 6.)

My Lord, *Florence, 26th October,* 1838.

I have the honour to enclose the copy of a note, which I have received from the Tuscan acting Minister for Foreign Affairs, in acknowledgment of mine of the 22nd instant to Count Fossombroni, respecting the conveyance of slaves on board Tuscan vessels, from one port to another in the Levant.

I have, &c.

(Signed) THOMAS AUBIN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 35.

(Translation.) *M. Cempini to Mr. Aubin.*

Sir, *Florence, 23rd October,* 1838.

I hasten to acknowledge the receipt of the letter with its printed enclosures, which you did me the honour to address me yesterday. By the same letter

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you convey to me the wishes of the English Ministry that the Government of His Imperial and Royal Highness the Grand Duke of Tuscany would provide—

1st. That the Consular Agents of Tuscany should receive very precise instructions, with regard to the abolition and the repression of the Slave Trade, with a notification of the penalties which every Tuscan subject will incur who may enter into such odious speculations.

2nd. That until a unanimous agreement takes place between all the Powers, who have adhered to the Treaties in force between England and France for the abolition of the Slave Trade, Tuscany will at once take measures to prevent the transport on board her vessels of Africans, who pass from the ports of Egypt to other ports of the Ottoman Empire, as domestics in the suit of their master.

With respect to the first of these matters, I am delighted to be able to assure you, that our judicial authorities are already at work on a penitentiary system for the crimes concerning the Slave Trade, and that, as soon as this system is complete, the customary publication and notifications will be proceeded with.

As to the second matter, although I communicated to you in my former letter of the 17th, the opinion which the authorities whom it concerns had given as to the small advantage which can be hoped for from the isolated act of Tuscany, without the simultaneous concurrence of other maritime States, I nevertheless beg you to be persuaded, that I will not fail to call their attention again to the subject in question.

Accept, &c.

For the Minister,

(Signed) F. CEMPINI.

The British Chargé d'Affaires, &c. &c. &c.

No. 36.

Viscount Palmerston to Mr. Aubin.

SIR, *Foreign Office, 9th November,* 1838.

I HAVE received your Despatches marked Slave Trade, up to that of the 26th October, 1838.

You will acquaint the Tuscan Government, that application has already been made, by Her Majesty's Government to the Government of Austria, to adopt measures, similar to those which you have been desired to press upon the Tuscan Government, in order to prevent the conveyance of African slaves across the Mediterranean sea; and that application to the same effect will also be made, on the part of Her Majesty's Government, to the Government of any other States, whose flag shall appear to be used for the purposes above described.

I am, &c.

(Signed) PALMERSTON.

Thomas Aubin, Esq., &c. &c. &c.

No. 37.

Mr. Aubin to Viscount Palmerston.—(Received December, 5.)

MY LORD, *Florence, November,* 21, 1838.

I HAVE the honour to enclose the copy of a Note which, in obedience to the instructions contained in your Lordship's Despatch marked Slave Trade of the 9th instant, I have addressed to Count Fossombroni, respecting the steps taken on the part of Her Majesty's Government, to prevent the conveyance of African slaves across the Mediterranean Sea.

I have, &c.

(Signed) THOMAS AUBIN.

The Right Hon. Viscount Palmerston, G.C.B., &c. &c. &c.

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Enclosure in No. 37.

Mr. Aubin to Count Fossombroni.

MONSIEUR LE COMTE, *Florence, 20th November*, 1838.

I HAVE the honour to inform your Excellency that I have received the instructions of the Government of His Imperial and Royal Highness the Grand Duke, that application has already been made by Her Majesty's Government to the Government of Austria, to adopt measures similar to those which it has been my duty to press, in former communications, upon the Government of Tuscany in order to prevent the conveyance of African slaves across the Mediterranean Sea; and that application to the same effect will also be made, on the part of Her Majesty's Government, to the Government of any other State, whose flag shall appear to be used for the purpose above described.

(Signed) THOMAS AUBIN.

His Excellency Count Fossombroni,
&c. &c. &c.

No. 38.

Mr. Aubin to Viscount Palmerston.—(Received December 5.)

MY LORD, *Florence, 23rd November*, 1838.

I HAVE the honour to enclose the copy of a Note, signed by Prince Neri Corsini, which I have received in answer to mine, dated the 20th inst., to Count Fossombroni, respecting the adoption of measures by Her Majesty's Government, to prevent the conveyance of African slaves across the Mediterranean.

I have, &c.

(Signed) THOMAS AUBIN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 38.

(Translation.) *Prince Corsini to Mr. Aubin.*

SIR, *Florence, 22nd Nov.* 1838.

I HAVE had the honour to receive your letter of the 20th instant, by which you informed me that communications to the same effect with those contained in your Note of the 22nd October last, concerning the few blacks passing from ports of Egypt to others of the Ottoman Empire, are to be made in the name of the British Government to the other States, whose vessels are more especially engaged in the navigation of the Mediterranean.

In offering you many thanks for this communication, I beg you to rest persuaded, that as soon as you may let me know the result of the said measures, and the determination of each of the Governments above alluded to, I shall hasten to make the proper use thereof, as regards the vessels and flag of this country.

Accept, &c.

(Signed) *For the Minister,*
NERI CORSINI.

To the British Chargé d'Affaires,
&c. &c. &c.

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TWO SICILIES.

No. 39.

Hon. William Temple to Viscount Palmerston.—(Received May 21.)

My Lord, *Naples, May 5, 1838.*

The messenger Haviland arrived here on the evening of the 26th ult.: and I received by him your Lordship's Despatch, marked Slave Trade, together with the Queen's ratification, under the Great Seal, of the Convention, which I had the honour of signing in conjunction with the Plenipotentiaries of France and of the Two Sicilies on the 14th of February last; and which contained the accession of His Sicilian Majesty to two Conventions between Great Britain and France, which have for their object the more effectual suppression of the Slave Trade.

On the following morning I called upon Prince Cassaro, who informed me that the Sicilian Ratification was prepared, and only required the signature of the King of Naples, which his Excellency hoped to procure on the 30th, on which day His Majesty, who was then staying at Capua with his troops, was expected to come to Naples. The King, however, not having arrived on that day, Prince Cassaro went down to Capua on the 2nd instant, and obtained His Majesty's signature to the Ratification. On the 4th instant I called upon Prince Cassaro by appointment, when I exchanged with him Her Majesty's Ratification, against the Ratification of the King of the Two Sicilies, and I have now the satisfaction of transmitting the latter to your Lordship, together with the accompanying certificate, which was signed by myself and Prince Cassaro upon the exchange of the Ratifications, according to your Lordship's instructions. We also signed a Document of a similar nature, to be preserved in the archives of this Government.

The Plenipotentiary of France has not yet received the Ratification of the Convention from his Court; but he hopes that it will not be long before it arrives, as he had written some time ago to his Government, to urge them to hasten its transmission to him.

I beg to assure your Lordship, that it is a source of the highest gratification to me to learn, that my conduct during the negotiation of this Treaty has met with the approbation of Her Majesty's Government.

I have, &c.
(Signed) WILLIAM TEMPLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 40.

Viscount Palmerston to Hon. W. Temple.

Sir, *Foreign Office, May 24, 1838.*

I herewith transmit for your information a copy of two series of papers relating to the Slave Trade, which have been presented to the two Houses of Parliament, during the present Session, by Her Majesty's command.

I am, &c.
(Signed) PALMERSTON.

The Hon. W. Temple,
&c. &c. &c.

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No. 41.

Viscount Palmerston to the Hon. W. Temple.

SIR, *Foreign Office, June* 9, 1838.

I HEREWITH transmit to you the copy of a resolution which was voted unanimously by the House of Commons on the 10th of May, 1838, for an Address to Her Majesty upon Slave Trade, and a copy of the answer, which, on the 23rd of the same month Her Majesty was pleased to return to that Address.

You will see from these papers the unceasing and anxious desire of the Parliament and Government of this country for the extinction of the traffic in slaves.

I am, &c.

(Signed PALMERSTON.

The Hon William Temple,
&c. &c. &c.

No. 42.

Hon. William Temple to Viscount Palmerston.—(*Received June* 20.)

MY LORD, *Naples, June* 3, 1838.

The Ratification of His Majesty the King of the French, of the Convention, for the more effectual suppression of the Slave Trade, signed at Naples, on the 14th of February last by the Plenipotentiaries of Great Britain, France, and the Two Sicilies, having been received by the French Chargé d'Affaires, M. de Tallenay has exchanged it with Prince Cassaro against a similar instrument, ratified by the King of the Two Sicilies.

I have, &c.

(Signed) WILLIAM TEMPLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

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CORRESPONDENCE

WITH

FOREIGN POWERS,

NOT PARTIES TO CONVENTIONS

GIVING RIGHT OF SEARCH OF VESSELS SUSPECTED OF

THE SLAVE TRADE.

1838-9.

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CORRESPONDENCE

WITH

FOREIGN POWERS,

NOT PARTIES TO CONVENTIONS

GIVING RIGHT OF SEARCH OF VESSELS SUSPECTED OF

THE SLAVE TRADE.

From May 1, 1838, to February 2, 1839, inclusive.

Presented to both Houses of Parliament by Command of Her Majesty,
1839.

LONDON:
PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET,
FOR HER MAJESTY'S STATIONERY OFFICE.

1839.

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Class D. 1838.

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Class D.—1838.

CORRESPONDENCE

WITH

FOREIGN POWERS

NOT PARTIES TO CONVENTIONS.

CONFERENCES IN LONDON.

No. 1.

Viscount Palmerston to the Representatives of France, Austria, Prussia, and Russia.

VISCOUNT PALMERSTON has the honour to invite his Excellency ——— to meet him at the Foreign Office on Wednesday next, the 12th instant, at two o'clock, in order to continue, in concert with the Plenipotentiaries of Austria, Prussia, and Russia, those negociations for a general agreement of the Powers of Europe for the suppression of the Slave Trade, which were begun at Vienna in the year 1815, and have since, at various times, been continued.

Viscount Palmerston avails himself, &c.

Foreign Office, December 11th, 1838.

No. 2.

Protocole de la Conférence tenue au Département des Affaires Etrangères à Londres, le 12 Decembre, 1838.

PRESENS:

Les Plénipotentiares d'AUTRICHE, de FRANCE, de la GRANDE BRETAGNE, de PRUSSE, et de RUSSIE.

Les Plénipotentiaires d'Autriche, de France, de la Grande Bretagne, de Prusse et de Russie, s'étant réunis en conférence, d'après l'invitation des Plénipotentiaires de France et de la Grande Bretagne, afin de continuer les négociations pour un concert général des Puissances de l'Europe, ayant pour objet la suppression de la Traite des Noirs; négociations qui furent commencées à Vienne l'an 1815, et continuées depuis a Vérone l'an 1822; les Plénipotentiaires de France et de la Grande Bretagne proposèrent aux Plénipotentiaires des trois autres Puissances, aujourd' hui réunis en conférence, le Projet de Traité, annexe A.

Les Plénipotentiaires de France et de la Grande Bretagne prièrent les Plénipotentiaires des trois Cours, de transmettre le dit Projet à leurs Gouvernemens respectifs, dans l'espoir, que les arrangemens renfermés dans ce Projet pourraient être trouvés compatibles avec les droits et les interêts des sujets des Souverains respectifs, et propres à aider à faire cesser le trafic criminel dont il s'agit.

Les Plénipotentiaires des trois Puissances se chargèrent de transmettre le dit Projet de Traité à leurs Gouvernemens respectifs, et de demander des instructions à cet égard.

Sans préjuger les déterminations que leurs Cours pourraient prendre, les dits Plénipotentiaires, chacun pour sa part, déclarèrent, que leurs Gouvernemens respectifs ont de tout temps partagé les sentimens d'indignation qu' inspirent au Gouvernement Britannique les actes criminels, que les mesures, dont il est question, ont pour but de faire cesser.

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Les Plénipotentiaires d'Autriche, de Prusse, et de Russie ajoutèrent que leurs Gouvernemens désirent, aussi ardemment que peuvent le faire ceux de France et de la Grande Bretagne, d'empêcher, que leurs sujets ou leurs Pavillons respectifs, ne participent d'une manière quelconque au Trafic des Noirs.

Les Plénipotentiaires de France et de la Grande Bretagne declarêrent, que leurs Gouvernemens rendent une entiere justice aux sentimens philantropiques et généreux des Gouvernemens d'Autriche, de Prusse, et de Russie, et sont les premiers à reconnaitre, que ni les sujets ni les Pavillons de ces trois Puissances ne prennent aucune part au Trafic des Noirs.

Mais le but, dont les Gouvernemens de France et de la Grande Bretagne se proposent l'accomplissement au moyen du Traité en question, est celui d'empêcher, que les bandits et les pirates d'autres pays, qui s'adonnent à ce commerce infame, ne puissent se prévaloir des Pavillons des trois Puissances, afin de poursuivre impunément leurs criminelles entreprises.

(Signed) HUMMELAUER, BULOW,
H. SEBASTIANI, POZZO DE BORGO.
PALMERSTON,

Translation.

Protocol of the Conference held at the Foreign Office in London on the 12th December, 1838.

PRESENT.

THE PLENIPOTENTIARIES OF AUSTRIA, FRANCE, GREAT BRITAIN, PRUSSIA, AND RUSSIA.

THE Plenipotentiaries of Austria, France, Great Britain, Prussia, and Russia, having assembled in conference, in pursuance of an invitation from the Plenipotentiaries of France and Great Britain, in order to continue those negociations for a general concert of the Powers of Europe, for the suppression of the slave trade, which were begun at Vienna in the year 1815, and subsequently continued at Verona in the year 1822; the Plenipotentiaries of France and Great Britain proposed to the Plenipotentiaries of the three other Powers, assembled this day in conference, the project of treaty, annex A.

The Plenipotentiaries of France and Great Britain requested the Plenipotentiaries of the three Courts, to transmit the said project to their respective Governments, in the hope that the arrangements contained in that project might be found compatible with the rights and interests of the subjects of the respective sovereigns, and well calculated to contribute to the suppression of the criminal traffic in question.

The Plenipotentiaries of the three Powers undertook to transmit the said project of treaty to their respective Governments, and to ask for instructions thereupon.

Without prejudging the determinations which their Courts might take, the said Plenipotentiaries, each and severally, declared that their respective Governments have at all times shared the sentiments of indignation, entertained by the British Government at the criminal acts, which the measures in question are intended to put an end to.

The Plenipotentiaries of Austria, Prussia, and Russia added, that their Governments are as earnestly desirous, as those of France and Great Britain can be, to prevent their respective subjects or flags from being engaged, in any manner whatever, in the traffic in slaves. The Plenipotentiaries of France and Great Britain declared, that their Governments do full justice to the philanthropic and generous sentiments of the Governments of Austria, Prussia, and Russia, and are quite ready to acknowledge, that neither the subjects nor the flags of these three Powers take any part whatever in the traffic in slaves.

But the object which the Governments of France and Great Britain propose to accomplish by means of the Treaty in question, is that of preventing the outlaws and pirates of other countries, who give themselves up to this infamous commerce, from availing themselves of the flags of the three Powers, in order to pursue their criminal enterprises with impunity.

(Signed) HUMMELAUER, BULOW,
H. SEBASTIANI, POZZI DE BORGO.
PALMERSTON,

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AUSTRIA.

No. 3.

Viscount Palmerston to Sir Frederick Lamb.

SIR, *Foreign Office, 24th May,* 1838.

I HEREWITH transmit, for your information a copy, of two series of papers relating to the Slave Trade, which have been presented to the two Houses of Parliament, during the present session, by Her Majesty's command.

I am, &c.

(Signed) PALMERSTON.

His Excellency Sir Frederick Lamb, G.C.B.
&c. &c. &c.

No. 4.

Viscount Palmerston to Sir Frederick Lamb.

SIR, *Foreign Office, 9th June,* 1838.

I HEREWITH transmit to you the copy of a resolution, which was voted unanimously by the House of Commons on the 10th of May, 1838, for an Address to Her Majesty upon Slave Trade; and a copy of the answer which, on the 23rd of the same month, Her Majesty was pleased to return to that Address.

You will see from these papers the unceasing and anxious desire of the Parliament and Government of this country, for the extinction of the traffic in slaves.

I am, &c.

(Signed) PALMERSTON.

His Excellency Sir Frederick Lamb, G.C.B.
&c. &c. &c.

No. 5.

Viscount Palmerston to Sir Frederick Lamb.

SIR, *Foreign Office 23rd August,* 1838.

I HEREWITH transmit to you the copy of a communication, which I have received from Her Majesty's Consul at Alexandria, stating that a considerable number of negroes are conveyed from Egypt, in European vessels, to Turkey and Barbary, to be retained as slaves there, and suggesting some regulations for preventing that practice, and for securing liberty to the negroes conveyed in European vessels to African ports in the Mediterranean.

I desire, that you will communicate the paper in question to the Government to which you are accredited; and add, that Her Majesty's Government are of opinion, that the suggestions of Mr. Thurburn may be adopted with benefit to the cause of the suppression of Slave Trade, and that Her Majesty's Government hope, that the Austrian Government will give instructions to their Consuls in the Mediterranean, to carry the regulations proposed by him into effect.

I am, &c.

(Signed) PALMERSTON.

His Excellency Sir Frederick Lamb, G.C.B.
&c. &c. &c.

Enclosure in No. 5.

Mr. Thurburn to Viscount Palmerston.—Alexandria, July 16th, 1838.

(See Class D, No. 25, page 15.)

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RUSSIA.

No. 6.

Viscount Palmerston to Mr. Milbanke.

SIR, *Foreign Office, May 24th*, 1838.

I HEREWITH transmit, for your information, two copies of two series of papers relating to the Slave Trade, which have been presented to the two Houses of Parliament during the present Session, by Her Majesty's command.

I am, &c.

J. R. Milbanke, Esq. (Signed) PALMERSTON.
&c. &c. &c.

No. 7.

Viscount Palmerston to Mr. Milbanke.

SIR, *Foreign Office, June* 9, 1838.

I HEREWITH transmit to you the copy of a resolution, which was voted unanimously by the House of Commons on the 10th May, 1838, for an Address to Her Majesty upon Slave Trade; and a copy of the answer, which, on the 23rd of the same month, Her Majesty was pleased to return to that address.

You will see from these papers the unceasing and anxious desire of the Parliament and Government of this country, for the extinction of the traffic in slaves.

I am, &c.

J.R. Milbanke, Esq., (Signed) PALMERSTON.
&c. &c. &c.

No. 8.

Viscount Palmerston to Mr. Milbanke.

SIR, *Foreign Office, July*, 13, 1838.

IT appears from a communication, which I have recently received from Her Majesty's Commissary Judge at the Havana, that the Russian brig "*Golubka*," Bernandes, Master, had on the 26th April last arrived at the Havana from a Slave Trading expedition on the Coast of Africa.

The information given states, that this vessel was fitted out from Odessa; and it is also stated that another vessel fitted out at Odessa was, at the date of the information, engaged in Slave Trade on the Coast of Africa.

You will communicate this statement to the Russian Government; and you will express the hope of Her Majesty's Government, that the Government of His Imperial Majesty will cause inquiry to be made into the facts of these cases, with a view to carry into effect the benevolent intentions of the Emperor of Russia for the suppression of Slave Trade.

I am, &c.

J. R. Milbanke, Esq., (Signed) PALMERSTON.
&c. &c. &c.

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No. 9.

The Marquis of Clanricarde to Viscount Palmerston.—(*Received December* 26.)

My Lord, *St. Petersburgh, 30th November,* 1838.

With reference to your Lordship's Despatch to Mr. Milbanke of the 13th July last, marked Slave Trade, on the subject of the Russian brig "*Goloubka,*" Bernandes, Master, which had arrived at the Havana from a Slave Trading expedition on the Coast of Africa, I have the honour to enclose a copy of a note, which I have received from Count Nesselrode, in reply to one presented to his Excellency by Mr. Milbanke, and from which it appears that the vessel in question sailed from Odessa for Barcelona on the 4th, (16th) December, 1836, where she arrived in March, 1837, since which time no information has been received respecting her, by the person to whom she belongs.

Orders have been given for ascertaining, on the return of the "*Goloubka*" to Odessa, how far she may have been engaged in the Slave Trade, and for punishing the parties who shall prove to have been guilty.

Count Nesselrode can procure no information respecting the other vessel referred to in your Lordship's Despatch, as Mr. Milbanke was unable to furnish him with her name, or with that of the Master.

I have, &c.
(Signed) CLANRICARDE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 9.

(Translation.) *Count Nesselrode to the Marquis of Clanricarde.*

St. Petersburgh 10th (22nd) November, 1838.

The undersigned has laid before his August Master the note (of the 12 (24) July last), by which Mr. Milbanke acquainted the Imperial Cabinet with the suspicions, which have arisen against two ships belonging to Odessa, accused of being engaged in the Slave Trade on the coast of Africa. The Emperor has consequently given orders to the Governor-General of New Russia to ascertain, by inquiry, the truth of the facts alleged in the note of the Minister of Her Britannic Majesty; and it is in consequence of the measures taken by the Count of Woronzoff, that the undersigned is enabled to communicate the following details to His Excellency the Marquis of Clanricarde, Ambassador Extraordinary and Plenipotentiary of Her Britannic Majesty. It appears, from the information furnished by the direction of the Quarantine of Odessa, that the brig "*L'Immutable,*" commanded by Captain Tomaso Bernandes, entered the port of that town on the 22nd of October, 1836, under the Spanish flag. She belonged, at that time, to Antonio Aleka, and was consigned to the commercial house of Bager at Odessa.

The "*Immutable*" had on board 14 sailors, six of whom were English subjects, viz., Gaetano Vingello, Felice Aculana, Angello Georgio, Michel Spatieri, Carmello Casano, Giovanni Cutai, and eight Spanish subjects, Paolo Comas, Clemenzio Catolez, Giacomo Garara, Giacomo Vilent, Antonio Cliret, Bartolomeo Mutates, Guiseppe Alkarey, and Michel Borno. This vessel afterwards became the property of a merchant of Odessa Laoura; it took the name of "*Goloubka,*" freighted by the merchant Bager; she left that town on the 4th of December, 1836, to go to Barcelona, under the command of the said Captain Tomaso Bernandes, and having on board the same sailors, except the English subject Giovanni Cutai, who engaged himself on board another vessel.

M. Laoura, when called upon in his turn to furnish more ample information as to the destination of his vessel, declared that the brigantine the "*Goloubka*" had been despatched for Barcelona, to the house of Roig and Jacas, where she had arrived in the month of March of the year 1837, after having performed quarantine at Mahon; that he had received advice in the mean time that this vessel was ready to set sail from Marseilles to Barcelona; but that since this he had not received any news of her, and that he did not know even where she is at present; that although he still continues to be her proprietor, it has never come to

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his knowledge that Captain Bernandes was engaged in the Slave Trade; on the contrary, he affirms that he had never any intention that one of his ships should be employed in a traffic contrary to humanity, and interdicted by Treaties; and that an imputation of this nature could never attach to him. M. Laoura expresses finally, a desire that the Imperial Government would order the necessary measures to clear up the fact, and that Captain Bernandes, if he is really guilty of the crime of which he is accused, may be punished with all the rigour of the laws.

This information being of a nature to induce a supposition that the vessel the "*Golonbka*," formerly the "*Immutable*," is the same as that pointed out to the British Government by the English Commissary Judge at the Havana, the necessary measures have already been taken by the Imperial Government to secure the person of the accused, and if at his return to Odessa his culpability should be sufficiently established, he will without delay be brought before the Courts.

As to the other vessel of the Russian merchant navy, which may have been engaged in the same traffic, it will be indispensable to know the names of the ship, and of the Captain who commands her, seeing that without this information the Imperial Government could not, with any chance of success, enter upon the necessary investigation respecting her. To conclude, the Directory of the Quarantine at Odessa has on its part renewed the order to all the proprietors of Russian ships to watch that their Captains do not venture to employ them in the Slave Trade; and this order has besides been made known to the merchants at Odessa by the Council of Commerce of that town.

In making this communication, the undersigned is glad to believe that the Marquis Clanricarde will see the readiness with which the Imperial Government has endeavoured to clear up the doubts raised as to these two Russian vessels, suspected of having been employed in Slave Trade, and how much it is interested to prevent, by all its means, a renewal of that shameful traffic of which Russia, equally with England, highly disapproves.

He avails himself at the same time, &c.

(Signed) NESSELRODE.

His Excellency the Marquis of Clanricarde,
&c. &c. &c.

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BUENOS AYRES.

No. 10.

Mr. Mandeville to Viscount Palmerston.—(Received May 23.)

My Lord, *Buenos Ayres, 5th February*, 1838.

Not having received from the Minister for Foreign Affairs any answer to my note of the 20th of January of last year, in which I again brought forward the arguments your Lordship had supplied me with, to induce the Government of Buenos Ayres to conclude a Convention with Great Britain for the abolition of the Slave Trade, although I have often urged him to reply to it; and having, in the repeated conversations, which I have had with his Excellency upon the subject of this note, found him always adhering to the determination announced in his note enclosed in my Slave Trade, Despatch of January 20, 1837, of not concluding a treaty for the suppression of the Slave Trade, unless it be accompanied by what he calls a modification of various articles of the Treaty of Amity and Commerce of 1825, I have thought it my duty no longer to delay putting into execution the instructions contained in your Lordship's Despatch marked Slave Trade, of June 10 of last year, and I this day addressed a note to Don Felipe de Arana, of which I have the honour to enclose a copy.

I have, &c.
(Signed) J. H. MANDEVILLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 10.

Mr. Mandeville to Don Felipe de Arana.

The undersigned, &c., has received instructions to state to His Excellency Don Felipe de Arana, with reference to the declarations contained in His Excellency's note *verbale* of January, 1837, which have been confirmed in different conversations the undersigned has had the honour to have with His Excellency on this subject, that the Government of Her Britannic Majesty regrets extremely that the Government of Buenos Ayres, instead of assenting to a proposal so reasonable, and so much in conformity with the professions of the Buenos Ayrean Government, as that made by Great Britain, should have deemed it expedient to repeat again a proposition, which the British Government has already declared to be inadmissible.

The undersigned is, however, again instructed to declare, that the British Government cannot mix up two matters, which are in their nature so distinct, as the abolition of the Slave Trade, and a revision of commercial regulations, and Her Majesty's Government hopes, that it will not be called upon again to state its fixed determination upon this point.

The Government of Buenos Ayres has urged in Señor Arana's note *verbale* as their chief reason for not concluding the proposed Slave Trade Convention, that to do so would be a virtual acknowledgment that Buenos Ayres has not fulfilled the engagement, which it contracted by the 14th Article of the Treaty of 1825, that such an acknowledgment would be inconsistent with fact, and that new states ought to be particularly jealous of their reputation for good faith. Now, Her Majesty's Government denies the first of these propositions, and contends that the Con-

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vention in question, so far from being a virtual impeachment of the good faith of Buenos Ayres would, on the contrary, be the most signal and indisputable proof of the good faith of that state, inasmuch as it would provide effectual means for the fulfilment of the engagement, contracted in the above-mentioned article of the Treaty of 1825.

For what is the substance of that article? It contains two engagements: first, That Buenos Ayres shall *co-operate* with Her Britannic Majesty for the *completion* of the beneficent work of "*totolly abolishing the Slave Trade;*" and secondly, that Buenos Ayres shall prohibit the Trade within its own territory, and prevent all persons inhabiting within its jurisdiction, from taking any share in such trade.

Now, these two engagements were obviously separate and distinct from each other: the first was general; the second, particular. The first, was applicable to all parts of the world, where Slave Trade *is* or *may* be carried on; the second confined to the territory of Buenos Ayres, and to persons inhabiting therein.

The first was an engagement to co-operate with England in *totally* abolishing the Slave Trade, that is to say, in endeavouring to abolish it all over the world; the second was an engagement to abolish it by specific laws, within the dominions over which the republic has, and exercises jurisdiction. Now, how stands the fact as to the second proposition of the Buenos Ayrean Government, namely, that it has faithfully executed the engagements contracted by the 14th article?

Her Majesty's Government is compelled, with infinite regret, to say, that these engagements have hitherto not been fulfilled.

The lesser engagement has indeed been executed. The greater one remains a dead letter. The Slave Trade has, it is true, been prohibited within the territory of Buenos Ayres, but no step whatever has been taken by the Buenos Ayrean Government to co-operate with Her Britannic Majesty, for the total abolition of Slave Trade in other parts of the Globe. No co-operation whatever has been afforded by Buenos Ayres for the accomplishment of that beneficent object, as the Treaty very justly described it, although nearly thirteen years have elapsed since that Treaty was concluded.

Her Majesty's Government therefore, concurring entirely with that of Buenos Ayres in the third of the above-mentione dpropositions, that it peculiarly behoves new states to be careful to establish, by their early dealings with other powers, a high reputation for good faith, founds upon this very maxim, its renewed appeal to the honour and justice of the Government of Buenos Ayres; and the undersigned is instructed to press upon the consideration of the Argentine Government, that when a solemn engagement of a Treaty has remained for more than twelve years entirely neglected, and unexecuted, notwithstanding repeated applications for fulfillment, it is by carrying such engagement promptly and fully into effect, and not by refusing to act upon it, that a character for good faith can be established among the nations of the world.

The Convention which the undersigned has been instructed again to propose, contains in detail those mutual stipulations and arrangements, which will enable Great Britain and Buenos Ayres to *co-operate* for the total extinction of the Slave Trade, and Her Majesty's Government confidently hope that, when the Government of Buenos Ayres shall have maturely weighed the considerations, which have thus been submitted to their judgment, they will no longer hesitate to agree to that Convention.

The undersigned, &c.
(Signed) J. H. MANDEVILLE.

His Excellency Don Felipe de Arana,
&c. &c. &c.

No. 11.

Viscount Palmerston to Mr. Mandeville.

Foreign Office, May 24, 1838.

I HEREWITH transmit for your information, two copies of two series of papers relating to the Slave Trade, which have been presented to the two Houses of Parliament, during the present Session, by Her Majesty's command.

I am, &c.
(Signed) PALMERSTON.

To J. H. Mandeville, Esq.
&c. &c. &c.

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No. 12.

Mr. Mandeville to Viscount Palmerston.—(Received June 6th.)

My Lord, *Buenos Ayres, January 16th*, 1838.

I have had the honour to execute the instructions contained in your Lordship's Despatch marked Slave Trade, of the 24th October last, and I have expressed to the Minister for Foreign Affairs of this Republic the satisfaction, with which Her Majesty's Government received the intelligence of the confiscation, by the Government of Buenos Ayres, of the Brazilian schooner brig "*Eloisa*," together with every thing on board, for having been equipped for the Slave Trade.

His Excellency assured me that nothing would be more gratifying to the Governor of this Province, charged with the foreign relations of the Republic, than to obtain, by his acts, the satisfaction and esteem of Her Majesty's Government, more particularly when, at the same time, he was able to evince his sincere desire to act up to the spirit, as well as the letter, of the treaty existing between this country and Great Britain.

I have, &c.
(Signed) J. H. MANDEVILLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 13.

Viscount Palmerston to Mr. Mandeville.

Sir, *Foreign Office, June 9th*, 1838.

I herewith transmit to you the copy of a resolution which was voted unanimously by the House of Commons on the 10th of May, 1838, for an address to Her Majesty upon Slave Trade, and a copy of the answer, which, on the 23d of the same month, Her Majesty was pleased to return to that address.

You will see, from these papers, the unceasing and anxious desire of the Parliament and Government of this country for the extinction of the traffic in Slaves.

I am commanded by Her Majesty to instruct you to communicate these papers to the Government of Buenos Ayres, and earnestly to press upon them the immediate conclusion of the negotiations, with which you are charged on this subject.

I am, &c.
J. H. Mandeville, Esq. (Signed) PALMERSTON.
&c. &c. &c.

No. 14.

Mr. Mandeville to Viscount Palmerston.—(Received 24th September.)

My Lord, *Buenos Ayres, July 5th*, 1838.

I have the honour to acknowledge the receipt of your Lordship's Despatch marked Slave Trade, of the 19th April, transmitting to me two printed copies of an additional Article to the Treaty concluded at the Hague, on the 14th of May, 1818, between Great Britain and the Netherlands, for the prevention of the traffic in Slaves; likewise two printed copies of a Treaty, by which the Hans Towns have acceded to the conventions between His late Majesty and the King of the French, for the more effectual suppression of the traffic in Slaves, and also two printed copies of a Treaty, by which the Grand Duke of Tuscany has acceded to the above-mentioned Convention, between His late Majesty and the King of the French.

I have, &c.
(Signed) J. H. MANDEVILLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

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No. 15.

Viscount Palmerston to Mr. Mandeville.

SIR, *Foreign Office, November 24th,* 1838.

I HAVE received your Despatch, marked Slave Trade, of the 5th of February, 1838, inclosing the copy of a note, which you had addressed to the Minister of Buenos Ayres, pressing him to conclude a Treaty between Great Britain and the Argentine Republic, for the suppression of the Slave Trade.

Her Majesty's Government approve of that note; and I herewith send you a Draft of a Treaty, containing, in an amended form, the propositions which were contained in the Draft which was sent out to Mr. Hamilton, on the 8th of September, 1834.

I have to desire that you will propose this amended Draft to the Government of Buenos Ayres for their adoption.

In case the Government of Buenos Ayres should, on account of expense, or for any other reason, object to appoint Commissioners to act, on the part of the Argentine Republic, in the Mixed Court of Justice to be established under the Treaty, you may meet such objection by proposing two additional articles, which I herewith send you.

Her Majesty's Government is most anxious to unite all the maritime States of Christendom in a league against Slave Trade; and I am commanded by Her Majesty to instruct you to use your best efforts to induce the Government to which you are accredited to sign the Treaty which I now send you.

I am, &c.

J. H. Mandeville, Esq. (Signed) PALMERSTON.
&c. &c. &c.

No. 16.

Mr. Mandeville to Viscount Palmerston.—(Received November 30.)

MY LORD, *Buenos Ayres, 23rd August,* 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked Slave Trade, of the 24th of May last, transmitting to me, for my information, two copies of two series of Papers relating to the Slave Trade, which have been presented to the two Houses of Parliament during the present Session by Her Majesty's command.

I have, &c.
(Signed) J. H. MANDEVILLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 17.

Mr. Mandeville to Viscount Palmerston.—(Received December 16.)

MY LORD, *Buenos Ayres, 26th September,* 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked Slave Trade, of the 9th June last, transmitting to me the copy of a Resolution which was voted unanimously by the House of Commons, on the 10th May of this year, for an Address to Her Majesty upon Slave Trade, and a Copy of the Answer which, on the 23rd of the same month, Her Majesty was pleased to return to that Address.

In obedience to your Lordship's directions, I shall not fail to communicate these Papers to the Government of Buenos Ayres, and earnestly press upon them the immediate conclusion of the negotiations, with which I am charged, for the suppression of the Slave Trade.

I have, &c.
(Signed) J. H. MANDEVILLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

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No. 18.

Mr. Mandeville to Viscount Palmerston.—(*Received January* 7, 1839.)

MY LORD, *Buenos Ayres, 14th October*, 1838.

WHEN I communicated to this Government the Address to Her Majesty of the House of Commons of the 10th May last, upon Slave Trade, and Her Majesty's answer, I laid great stress upon the expediency of an immediate conclusion of the negotiations, with which I am charged, for the suppression of this abominable traffic. I have the honour to transmit to your Lordship the copy of a note, which I have received from M. de Arana in reply, in which he states that the Governor observes from this communication the incessant desire of the Parliament and of the Government of Great Britain for the extinction of the traffic in slaves, and has become acquainted thereby, that I have received orders from my sovereign to urge the Government of Buenos Ayres to an immediate conclusion of the negotiation with which I am charged on this subject. In consequence of which he, M. de Arana, has been commanded by his Excèllency to signify to me the sincere and friendly disposition of the Argentine Government, to adhere to and conclude the above-mentioned negotiations, and that the Government will enter upon them as early as the numerous occupations, arising out of the present unjust blockade by the French squadron, will permit.

I have, &c.

(Signed) J. H. MANDEVILLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 18.

Don Felipe Arana to Mr. Mandeville.

(Translation.) *Buenos Ayres, 12th October*, 1838.

THE undersigned has had the pleasure to lay before his Excellency the Governor and Captain-General of the Province the note from your Excellency, under date of the 4th instant, accompanied with a copy of a certain Resolution, unanimously voted by the House of Commons on the 10th of May last, for an Address to be presented to Her Britannic Majesty on the subject of the Slave Trade, and Her Majesty's answer thereto, dated on the 23rd of the same month.

His Excellency observes from the tenor of these copies the incessant and anxious desire of the Parliament and Government of Great Britain for the extinction of the traffic in slaves, and has become acquainted thereby, that your Excellency has received orders from Her Majesty to urge effectively the Government of Buenos Ayres on the immediate conclusion of the negotiations, which your Excellency has been empowered to enter upon, relating to this subject.

The undersigned has it in command from His Excellency the Governor, in answer to your Excellency's before-mentioned note, to signify to your Excellency the sincere and friendly disposition of the Argentine Government, to adhere to and conclude the before-cited negotiations relative to the extinction of the traffic in slaves, and that the Government will enter upon them as early as the numerous attentions, which arise out of the present unjust blockade by the naval forces of His Majesty the King of the French, and consequent pretensions, will permit.

God grant your Excellency many years,

The British Minister, (Signed) FELIPE ARANA.
&c. &c. &c.

No. 19.

Viscount Palmerston to Mr. Mandeville.

SIR, *Foreign Office, January* 17, 1839.

I HAVE received your Despatch, marked Slave Trade, of the 14th October, 1838, containing the answer of M. Arana to the pressing invitation which you made

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to that Minister, to agree to the immediate conclusion of a Treaty between Great Britain and Buenos Ayres, for the suppression of the Slave Trade.

I have now to instruct you again to urge the Government of Buenos Ayres to conclude this Treaty.

You will point out to the Buenos Ayrean Minister, that the French blockade seems to have no natural connexion with the Slave Trade treaty, and ought not to prevent the Argentine Government from concluding an arrangement, which would be so honourable to the Republic.

I am, &c.

J. H. Mandeville, Esq. (Signed) PALMERSTON.

&c. &c.

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EGYPT.

No. 20.

Viscount Palmerston to Colonel Campbell.

SIR, *Foreign Office, May* 24, 1838.

I HEREWITH transmit for your information a copy of two series of papers relating to the Slave Trade, which have been presented to the two Houses of Parliament, during the present session, by Her Majesty's command.

I am, &c.

Lieut.-Colonel Campbell, (Signed) PALMERSTON.
&c. &c. &c.

No. 21.

Viscount Palmerston to Colonel Campbell.

SIR, *Foreign Office, June* 9, 1838.

I HEREWITH transmit to you the copy of a resolution, which was voted unanimously by the House of Commons, on the 10th of May, 1838, for an address to Her Majesty upon Slave Trade; and a copy of the answer, which, on the 23rd of the same month, Her Majesty was pleased to return to that address.

You will see from these papers the unceasing and anxious desire of the Parliament and Government of this country for the extinction of the traffic in slaves.

I am, &c.

Lieut.-Colonel Campbell, (Signed) PALMERSTON.
&c. &c. &c.

No. 22.

Colonel Campbell to Viscount Palmerston.—(Received June 18.)

MY LORD, *Alexandria, May* 5, 1838.

ON the receipt of your Lordship's Despatch of the 17th of January last, I lost no time in bringing the subject of it under the notice of Boghos Bey, and requesting of him to transmit a copy of the Despatch to the Viceroy, who was then in the Delta.

For this purpose I gave a French translation to Boghos Bey, who, in a few days after, informed me, that the Pacha would communicate verbally with me on the Slave Trade question, on his return to Alexandria.

The Pacha returned here on the 28th of April; and I have now the honour to report the particulars of my interview with him on that subject.

I began by recapitulating to Mehemet Ali the different points of your Lordship's Despatch, and by explaining to His Highness the very warm and humane, as well as generous interest, taken in the abolition of that nefarious and cruel traffic, the Slave Trade, by the entire British people of every class and description; and that every step which His Highness would take in this abolition, would tend to raise him in the estimation of all Europe, and would, more than anything else, endear him to the people of England.

I added, that I hoped that he would enable me to make such a report to her Majesty's Government, as would prove his desire to attend to their humane wishes, and to answer to the expectations, which they had formed from the well-known enlightened character of Mehemet Ali. I told him that I hoped I should have a reply in writing, which would be still more satisfactory than a verbal communication.

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Mehemet Ali replied, that he had the most anxious desire to conform in everything to the wishes of Her Majesty's Government, and to do all in his power to obtain the good opinion of the people of England; but that the abolition of slavery could not take place in any Musulman country, unless by very slow degrees, which could only be brought about by time, and the union of circumstances. He said that he would not permit his officers in the interior to seize slaves; but as some of those officers had their harems and families in Cairo and in Alexandria, it would be too serious an undertaking for him to prevent his officers from doing what was done by all other classes, and which must continue, more or less, so long as Turks had harems; but he repeated that he was desirous to do all in his power to ameliorate slavery, and leave the rest to time.

I then asked, if his Highness would favour me with a reply in writing to that effect, and express his own sentiments for the gradual abolition of slavery, as far as possible in the present state of the countries subject to his Government. He replied that he must positively decline giving to me any reply in writing; as he had seen that my former communications with him, and his order to his Governors, had been published in the Augsburg Gazette, and that he was persuaded that Her Majesty's Government would see how much and how seriously any manifestation by him, of an intention to abolish slavery, would injure him in the eyes of every Musulman in every part.

From the manner in which Mehemet Ali refused to reply in writing, I felt that it would be useless to press that point; and I contented myself by stating my hopes, that he would do what he could to ameliorate the condition of the slaves, and to lay hold of any opportunity which might present itself for lessening the traffic. To this he replied, that he would do so most willingly; and on my stating the fact, that some Europeans carried on this most abominable trade between the Upper Country (Nubia and Soudan) and Cairo and Alexandria, he replied that I must be quite aware, that although he reprobated such conduct on the part of Europeans, still he could not interfere, as they were only amenable to their own Consuls, who alone were to be blamed for permitting it.

I am glad to say, that Mehemet Ali himself does not now purchase any more slaves for his own use or service.

Mohamed Bey (a Turk), the chief constructor of the Arsenal here, is married to an English woman, and is the father of four children, all of whom, with the mother, dress in the European manner.

Mohamed Bey walks publicly with his wife and children, and no notice is now taken of this by other Turks, with all of whom he appears to be on good terms; and his conduct as a husband and as a father is most correct.

Examples of this kind will, I hope, multiply, and will work the gradual abolition of the Slave Trade; and it is only by his own example that Mehemet Ali has made the name of European and Christian to be respected in Egypt and Syria, and that such perfect toleration of religion is permitted, that I have witnessed Turks, who have been in England, attending the Protestant chapel in Cairo.

I have, &c.

(Signed) PATRICK CAMPBELL.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 23.

Colonel Campbell to Viscount Palmerston.—(Received July 17.)

My Lord, *Alexandria, June 7, 1838.*

I have the honour to acknowledge the receipt of your Lordship's Despatch Slave Trade, of the 24th May, transmitting to me printed copies of papers connected with that subject.

I have, &c.

(Signed) PATRICK CAMPBELL.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

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No. 24.

Colonel Campbell to Viscount Palmerston.—(Received August 14.)

MY LORD, *Alexandria, July* 4, 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches and their Enclosures of the 24th May and the 9th June last, marked Slave Trade. I have, &c.

(Signed) PATRICK CAMPBELL.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 25.

Mr. Thurburn to Viscount Palmerston.—(Received August 14.)

MY LORD, *Alexandria, July* 16, 1838.

I HAVE the honour to report to your Lordship, that a considerable number of negroes from the interior of Africa are conveyed from this country, in European vessels, to different ports of Turkey and Barbary. These individuals are generally brought to this place by the Mussulmen Pilgrims, on their return from Mecca; and the restrictions respecting the conveyance of slaves are evaded, by passing them under the denomination of servants, or by causing a declaration to be made on the part of their masters before the Local Tribunal, that they have obtained their liberty; a stipulation which, however, there is too much reason to believe is in most cases revoked, on their arrival at the port of destination. My attention was of late more particularly called to the intercourse thus kept up, by the departure of the Cadi of Mecca, on his return, through this country, with his family, in whose suite not less than thirty individuals, male and female, similarly circumstanced, were embarked for Constantinople on board a steamer under Tuscan colours, the management of which is confided to M. de Rosetti the Consul-General of Tuscany at this Port. On becoming acquainted with that fact, I obtained from Colonel Campbell a copy of the Convention concluded between Her Majesty and the Grand Duke of Tuscany on the 24th of November, 1837, and communicated it to M. de Rosetti, pointing out to him the risk of seizure, to which any vessel carrying passengers of the description alluded to would be exposed. He stated that he had not the most distant idea of conniving at a traffic in slaves, and that a declaration had been formally made in his office, that the individuals in question were servants. He said that he had not had any previous knowledge of the Convention of the 24th of November, 1837, which having never been communicated to him by the Tuscan Government, he considered as more particularly directed against the trade carried on beyond the Straits of Gibraltar, but that he would refer immediately to his Government for instructions, as to the extent of its application to this country. Austrian vessels are prohibited by their Government from carrying slaves, but their Consular Authorities in the Levant think that they have done everything that their duty strictly requires of them, when a declaration is produced by the parties embarking negroes on board the vessel of that nation, that they are servants, or have obtained their liberty.

As domestic slavery in Turkey is exempted from many of those circumstances of cruelty, with which the condition of slaves in other countries is chargeable, and as they are viewed by the Mussulmans more in the light of adopted children, and are even entitled by law to a portion of their master's property at his death, the advocates of the system consider that a distinction should be made, between slaves purchased for the Colonies, and those employed for domestic purposes in the East; but whatever modifications the traffic in slaves may be subject to in this quarter, it cannot be doubted that it has a tendency to keep alive that barbarous commerce in the interior of Africa; and so long as the absolute right of property of the master over the person of the slave is admitted by law, the principle is equally revolting to humanity, and must be reprobrated by the nation, that has made so many efforts and pecuniary sacrifices for the suppression of that traffic.

I beg, therefore, to solicit from your Lordship, instructions as to the course to be adopted on such occasions, with respect to vessels of those States, which have entered into Treaties with Great Britain for the abolition of the trade in slaves;

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and I venture to suggest, that some advantage might be derived from the adoption by the Consular Authorities generally, of a regulation, requiring that each individual negro embarked at this Port should be provided with a document from the Mehkémé, recognising his or her freedom, and that all negroes proceeding from hence to other Ports should be called before the Consuls of the respective vessels here, and informed that they are free. As a further precaution, those certificates of freedom might be lodged with the master of the vessel carrying passengers of that description, and by him, on his arrival at the Port of destination, deposited with his Consul, for the purpose of being delivered to the individuals in question. In virtue of those documents, the Consul might claim the right of protecting all negroes conveyed by European vessels from being again enslaved, a right in the exercise of which your Lordship would, no doubt, have the co-operation of every enlightened Government. The arrangement here proposed, though it might not put an immediate and entire stop to the trade in slaves, would, by throwing additional obstacles in the way of their transportation, have the effect of diminishing the demand in the markets of the Red Sea, and thus advance another step towards the final suppression of the trade in that quarter; and I have reason to believe, that the Pacha of Egypt would be far from raising any difficulties, to retard the accomplishment of so desirable an object.

I have, &c.

(Signed) R. THURBURN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 26.

Viscount Palmerston to Mr. Thurburn.

SIR, *Foreign Office, August* 23, 1838.

I HAVE received your Despatch, Slave Trade, of the 16th of July, 1838.

I have sent copies of that Despatch to Her Majesty's Ministers at Vienna, and at Florence; and I have recommended the adoption of the regulations which you suggest for preventing negroes, who are carried by European vessels in the Mediterranean, from being consigned to slavery.

I observe by the remarks which you state yourself to have made to M. Rossetti upon this subject, that you are not aware, that the Conventions on Slave Trade, to which the coast of Tuscany has acceded, do not authorise the search and seizure of vessels in the Mediterranean Sea.

I am, &c.

R. Thurburn, Esq. (Signed) PALMERSTON.
&c. &c. &c.

No. 27.

Mr. Thurburn to Viscount Palmerston.—(Received September 12.)

MY LORD, *Alexandria, August* 14*th*, 1838.

WITH reference to my Despatch of the 16th of July, on Slave Trade, I have now the honour to transmit to your Lordship a copy of the answer, received by the Tuscan Consul-General here, from Prince Corsini, Minister for Foreign Affairs at Florence, on the subject of the interpretation to be given to the convention, entered into with Tuscany on the 24th of November, 1837, for the suppression of the Slave Trade.

There being no stipulation in that Convention, expressly referring to the Mediterranean Sea, though it embraces part of the African coast, the Government of Tuscany does not admit the right of search for slaves, within the Straits of Gibraltar, the limits for the exertion of that right being between the 10th degree of south and the 15th degree of north latitude; but, as Prince Corsini, in the Despatch referred to, has established the rule, that all slaves become free, from the moment of their embarkation on board Tuscan vessels, or landing on Tuscan territory, His Highness the Grand Duke will, no doubt, be disposed to second Her Majesty's Government in any arrangement, which they may deem it advisable to propose, with the view of giving full effect to that rule, and of ensuring in the Mediterranean, as well as in the Atlantic, the complete suppression of the Slave Trade.

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The conveyance of slaves from port to port of Turkey in European vessels, though not attended with any of those horrors, which stigmatise the traffic on the western coast of Africa, is nevertheless a branch of that iniquitous commerce, and equally deserving the attention of the British Government.

I have, &c.

(Signed) R. THURBURN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 27.

(Translation)—*Communication from the Minister of the Grand Duchy of Tuscany to M. A. de Rosetti, their Consul-General in Egypt.*

SIR, *Florence, 21st July,* 1838.

IT is quite true that in November last Tuscany acceded to the Conventions, by means of which France and Great Britain proposed to themselves to oppose obstacles to the Slave Trade. But the accession of Tuscany, as likewise the tenor of the Conventions existing between the aforesaid nations, refers only to the prevention of the transport of slaves in a mass, for the purpose of carrying on therewith a guilty commerce, as well as of the attempt so to transport them; which, as you will see, has nothing in common with the transport of servants, either black or white, as the case may be, which may be carried on (entirely without any view to the Slave Trade) in ordinary vessels.

I have reason to believe that in a short time the above-mentioned Treaty of Accession of Tuscany will be published, together with the penalties, to be pronounced by our laws against the transgressors, and then the same will be communicated to you. It will then be very easy for you to persuade the British Consul of the evident mistake he is in, seeing that, besides the plain characteristics which distinguish a vessel destined to the forcible detention and transport of those unhappy slaves, (characteristics which are naturally never apparent in other vessels, destined for the ordinary transport of passengers or merchandise,) it is certain that the search and detention of any vessel whatever cannot take place in the waters, which must be passed over on a voyage between Alexandria and Constantinople, since the nearest bounds within which the cruisers may act are those which extend from the 10th degree of south to the 15th degree of north latitude, which, as every body knows, puts out of the question any search of the vessels which make a voyage between Alexandria and Constantinople.

The only circumstance to be noted by whoever wishes to transport slaves, either into Tuscany, or in a vessel covered with the Grand Ducal flag, is, that the slave, as soon as he has put his foot on board a Tuscan vessel, or on Tuscan soil, passes under the protection of our laws, and ought, therefore, if he demand it, to be set at liberty.

(Signed) (For the Minister)
N. CORSINI.

M. A. de Rosetti,
&c. &c. &c.

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HAYTI.

No. 28.

Viscount Palmerston to Captain Courtenay.

SIR, *Foreign Office, 21st December*, 1838.

I HEREWITH transmit to you six copies of two Conventions, concluded in 1831 and 1833, between Great Britain and France on Slave Trade.

I also send to you two copies of the Treaties, by which the Governments of Den mark, Sardinia, the Hanse Towns, Tuscany, and Naples, have acceded to those Conventions, and I have to instruct you, that when you shall have concluded and signed the Commercial Treaty, which you are charged to negociate with the Government of Hayti, you will communicate to the President the Conventions as abovementioned; and you will propose to his Excellency, that the Plenipotentiary of Hayti shall conclude with you a Treaty, acceding, on the part of the Government of Hayti, to those Conventions, in the same manner as the other states above mentioned have done.

These Conventions assume that the States, which are parties to them have enacted laws, punishing persons, and confiscating ships, engaged in Slave Trade. If, therefore, you shall find the President of Hayti disposed to conclude a Treaty of Accession, you will suggest to him the expediency of passing immediately laws against Slave Trade, as a foundation for such Treaty.

I transmit to you, herewith, Her Majesty's full power to enable you to conclude and sign.

I am, &c.

Captain Courtenay, R.N, (Signed) PALMERSTON.
&c. &c. &c.

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MEXICO.

No. 29.

Mr. Ashburnham to Viscount Palmerston.—(Received May 21.)

(Extract.) *Mexico, 6th March,* 1838.

SINCE the re-appointment of Señor Cuevas, and with reference to that part of the Report presented by him to the Congress, and forming the subject of my other Despatch of this day, I took occasion to inquire of his Excellency whether, and if so, what, steps had been adopted by the Government, in conformity with the conversation I had the honour to report to your Lordship by my Despatch marked Slave Trade, of the 7th November last, towards the re-opening of negociations with Her Majesty's Government for the conclusion of the Treaty for the suppression of that traffic. His Excellency replied, that nothing had yet been done, as the Congress had only within a day or two rendered their decision upon the Report given in by the Committee; that the Congress were no less anxious than the Government, that a measure so interesting to the cause of humanity and honourable to both countries, should be completed with as little delay as possible; and had accordingly recommended to the Government to open a fresh negociation with Her Majesty's Government.

On being reminded by me of my suggestion, that the proper course, as well as apparently the more expeditious, would have been to furnish the Mexican Minister in London with full powers for that purpose, Señor Cuevas alleged the necessity of submitting the Treaty when signed, and previous to ratification, to the Chambers, and the probability, if not certainty, of many alterations being suggested by that body, which must be adopted, as likely to render the negociation more tedious than it would be if carried on here.

I do not see the force of his Excellency's argument; but not having yet received any instructions from your Lordship on the subject, I did not think it expedient to press the matter any further, the more so as I believe Señor Gutierrez de Estrada is absent from England, and that there is reason to look before long for the return of Mr. Pakenham.

I must not conceal from your Lordship, that one great objection in the eyes of the Legislature is, the mutual right of search,—the pivot, it appears to me, upon which the whole measure turns,—an objection arising from the jealousy of what they call the free navigation of these seas; and the humiliation they seem to see in the fact, that while the British cruisers may have frequent occasion to detain and search trading vessels bearing the Mexican flag, the scanty number of their navy will allow them but few opportunities of exercising their right with regard to British vessels.

It was in vain that I showed Señor Cuevas that the very concession of the right of searching suspected vessels bearing the Mexican flag would be the surest means of preventing the frequent recurrence of the actual search; and that in fact the measure was more directed against the ships of other countries, who, having entered into such treaties with Great Britain, could not with any safety carry on that traffic, unless under the flag of a country unfettered by such compacts.

I pointed out to his Excellency the benefits which this measure would confer on Mexico with regard to Texas, by checking the inportation of slaves to that, there is reason to believe, the best market for them now existing. His Excellency, though seemingly convinced of the force of these sufficiently obvious remarks, still urged the impossibility of conquering the prejudice of the people.

I have the honour to enclose a copy and translation of a note I only received late last night from Señor Cuevas, enclosing a copy of the decision of Congress against the Treaty concluded by Mr. Pakenham, and authorizing the Government to take measures for the conclusion of a new one.

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Enclosure in No. 29.

(Translation.) *M. Cuevas to Mr. Ashburnham.*

Palace of the National Government, Mexico, 5th March, 1838.

THE Undersigned, &c., has the honour to transmit to Mr. Ashburnham a copy of the two Articles with which the opinion of the respective Commission concludes, and which were approved by the Chambers of Deputies, relative to the Treaty for the abolition of the Slave Trade, concluded between this Republic and England.

Conformably to the assurance of the second of these Articles, the Supreme Government will occupy itself as soon as possible with the affair, in order that the negociation may again be opened, and the undersigned will have the pleasure of communicating it immediately to Her Britannic Majesty's Chargé d'Affairs, to whom, &c.

(Signed) LUIS. G. GUEVAS.

1st. The Treaty concluded between the Plenipotentiaries appointed by the Government of Mexico, and that of her Britannic Majesty, for the abolition of the Slave Trade, and signed in Mexico, 16th April, 1837, is not approved.

2nd. Let this document be transmitted to the Government, in order that, taking cognizance of it, they may again open negociations, and conclude another treaty.

Mexico, 5th March, 1835. (Signed) CUEVAS.

No. 30.

Viscount Palmerston to Mr. Ashburnham.

SIR, *Foreign Office, 24th May*, 1838.

I HEREWITH transmit, for your information, a copy of two series of papers relating to the Slave Trade, which have been presented to the two Houses of Parliament, during the present Session, by Her Majesty's command.

I am, &c.

(Signed) PALMERSTON.

The Hon. Charles Ashburnham,
&c. &c. &c.

No. 31.

Viscount Palmerston to Mr. Ashburnham.

SIR, *Foreign Office, 9th June*, 1838.

I HEREWITH transmit to you the copy of a resolution which was voted unanimously by the House of Commons on the 10th May, 1838, for an address to Her Majesty upon Slave Trade; and a copy of the answer which, on the 23d of the same month, Her Majesty was pleased to return to that address.

You will see from these papers the unceasing and anxious desire of the Parliament and Government of this country for the extinction of the traffic in slaves.

I am, &c.

(Signed) PALMERSTON.

The Hon. Charles Ashburnham,
&c. &c. &c.

No. 32.

Mr. Ashburnham to Viscount Palmerston.—(Received June 20.)

MY LORD, *Mexico, 5th May*, 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch marked Slave Trade, of the 15th February, instructing me to state to the Mexican Government the readiness of that of Her Majesty to meet the wishes of the Mexican

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Republic upon some points of the Treaty for the suppression of the Slave Trade, signed by Mr. Pakenham on the 16th April, 1837, which, as I have had the mortification to announce to your Lordship, has been rejected by the Chamber of Deputies; and to the introduction of certain modifications in the shape of two additional Articles.

I lost no time in obeying your Lordship's command; but Señor Cuevas, at the same time that he expressed the greatest willingness to conclude this affair to the satisfaction of Her Majesty's Government, declared his inability, in the present state of affairs, to give it that attention which it required, in order to carry it through the Congress.

I begged him to fix a day before the departure of this packet for holding a conference on the subject, which he promised, if possible, to do; but, as I feared would be the case, I have waited in vain for his summons; and am thus obliged to hope that the peculiar circumstances of the Government at this conjuncture will excuse in your Lordship's eyes my inability at present to announce anything definitive, as to the views of this Government on the subject.

I have, &c.

(Signed) C. ASHBURNHAM.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 33.

Mr. Ashburnham to Viscount Palmerston.—(Received July 17.)

My Lord, *Mexico, 24th May,* 1838.

I regret that it is still out of my power to announce to your Lordship any progress, towards the completion of the Treaty with this country for the suppression of the Slave Trade.

I have neglected no opportunity of directing the attention of Señor Cuevas to the subject, as one to which Her Majesty's Government attaches the highest importance; and with a view to obtain an interview for the purpose of making known to his Excellency the propositions, by means of which Her Majesty's Government proposes to remove the objections raised by the Committee, and concurred in by the Congress, if only to be enabled to inform your Lordship, whether the introduction into the Treaty signed last year of the modifications suggested, might not appear to the Mexican Government preferable to the more tedious and laborious operation of making an entirely new Treaty, I addressed to his Excellency a note, a copy of which I have the honour to enclose, which, I am sorry to say, and as your Lordship will see by the accompanying copy of his Excellency's answer, was not more successful than my verbal representations of the urgency of the matter.

I must, however, do Señor Cuevas the justice to express my belief, that the postponement of the consideration of your Lordship's propositions is not the result of any indifference to the wishes of Her Majesty's Government. The whole attention and energies of the Government are fully employed in seeking, not an arrangement of their differences with France, for that is hopeless at this moment, but the means of carrying on the Government from day to day; and in defending themselves rather against their domestic than their foreign enemy.

It must also be observed, that the Chambers are now assembled in extraordinary session; and that it would have been extremely difficult, especially at the present conjuncture, to obtain their consideration of the Treaty, even had it been possible to make the proposed modifications, immediately upon the receipt of your Lordship's Slave Trade Despatch of the 15th February.

I believe, however, that I may assure your Lordship, that the Mexican Government is most anxious to meet the wishes of that of Her Majesty, by a speedy termination of this affair; and on my part no vigilance shall be wanting to seize the earliest opportunity of bringing the subject before them.

I have, &c.

(Signed) C. ASHBURNHAM.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

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First Enclosure in No. 33.

Mr. Ashburnham to M. Cuevas.

Mexico, 13th May, 1838.

THE undersigned, &c., has already intimated to Señor Don Luis Gonzaga Cuevas, that he has received instructions from Her Majesty's Government to propose to his Excellency certain modifications of the Treaty, signed last year, for the more effectual suppression of the Slave Trade, the introduction of which, in additional articles, may probably induce the Congress to give it that ratification which, greatly to the disappointment of Her Majesty's Government, they have withheld from it.

It can scarcely be necessary to remind Señor Cuevas of the high importance attached by Her Majesty's Government to this subject, impelled by which they have long since combated and triumphed over the interested policy and prejudices of several powers who, unlike the Mexican Republic, had an almost direct interest in the continuance of that execrable source of gain; and he is persuaded that the Mexican Government is far from indifferent to the honour which must accrue to it from a hearty co-operation with that of Her Majesty, in preventing the flag of this republic from being profaned by sheltering this criminal traffic.

He cannot therefore but hope, notwithstanding the pressure of affairs upon Señor Cuevas, that His Excellency will name a day and hour for a conference upon this subject before, the departure of Her Majesty's packet now in waiting at Vera Cruz, in order that he may be enabled to submit to Her Majesty's Government, some satisfactory information as to the probability of securing, without loss of time, the co-operation of the Mexican Republic towards the attainment of the noble object of their solicitude.

The undersigned, &c.

(Signed) C. ASHBURNHAM.

His Excellency Señor Don Luis G. Cuevas,
&c. &c. &c.

Second Enclosure in No. 33.

(Translation.) *M. Cuevas to Mr. Ashburnham.*

Palace of the National Government, Mexico, 14th May, 1838.

THE undersigned, &c. has received the note, which Her Britannic Majesty's Chargé d'Affaires did him the honour to address to him on the 13th instant, intimating that, having received instructions from his Government to propose to that of the Republic certain modifications of the Treaty signed last year for the abolition of the Slave Trade, he would wish to hold a conference with the undersigned on the subject, before the departure of the packet now at anchor at Vera Cruz.

The Supreme Government of the Republic, animated by similar philanthropic sentiments to those entertained by that of Her Majesty, is most anxious for the speedy conclusion of the aforesaid Treaty, and will leave no means untried to procure the attainment of this object.

For this purpose the undersigned would immediately hold a conference upon the subject on any day Her Majesty's Chargé d'Affaires might be pleased to appoint, were it possible that such conference could of itself alone promote the end in view; but as it is both necessary and expedient that the undersigned, as he has already apprised Mr. Ashburnham, should maturely consider the matter in question, which it is impossible for him to do at present, as well because the English packet is shortly about to sail, and also on account of the great number of important and very urgent affairs, which now occupy the attention of the Government and General Congress, the undersigned entreats Mr. Ashburnham to have the goodness to postpone this discussion, solely for the time absolutely necessary, at the expiration of which the affair shall be treated of with the preference it deserves, and in accordance to the wishes of the undersigned.

He avails himself, &c.

(Signed) LUIS G. CUEVAS.

The Hon. C. Ashburnham,
&c. &c. &c.

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No. 34.

Mr. Ashburnham to Viscount Palmerston.—(*Received December* 4.)

My Lord, *Mexico, 1st October*, 1838.

Having, in obedience to your Lordship's commands, notified in your Despatch marked Slave Trade of the 9th of June last, communicated to Señor Cuevas the resolution unanimously voted by the House of Commons on the 10th of May for an address to Her Majesty upon the Slave Trade, and the answer which Her Majesty was graciously pleased to return thereto, I took occasion, in conformity with your Lordship's further directions, to impress upon his Excellency the great importance attached by Her Majesty's Government to the speedy completion of the Treaty, negotiated by Mr. Pakenham and the Mexican Plenipotentiaries, and earnestly pressed him to fix an early day, when I might submit to his consideration the proposals which I was charged by your Lordship to make, for such modifications as might meet the difficulties raised by the Committee of the Chamber of Deputies, against the ratification of that Treaty in its present form.

For the reasons mentioned in my Despatch on the subject of the 24th of May, I entertained but slight hopes of success in this fresh representation; and by the enclosed copy and translation of the answer I received, your Lordship will see, that at the same time that his Excellency professes the greatest desire to conclude the negociations, notwithstanding the pressure of his duties at this moment, it would lead to no result until the opening of the next session, the present being wholly devoted to the laborious and difficult task of arranging the financial system of the country.

His Excellency has also confidentially assured me, that it was to the interest of the object in view to wait until next session; as at that period the present Chambers will be renewed, that of the Deputies by one-half of its present members, the senate by one-third, and that the ministry entertain confident hopes, that the returns of the new elections will add greatly to its influence, and enable it to carry this measure with less opposition than they could at the present moment, even supposing that it were possible to present the matter to the Congress during its extraordinary sessions.

I have, &c.

(Signed) C. ASHBURNHAM.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 34.

M. Cuevas to Mr. Ashburnham.

Palace of the National Government, Mexico, 27th August, 1838.

The undersigned, &c., has received the note of Mr. Charles Ashburnham, dated the 25th instant, wherein, in consequence of fresh orders which he had received from his Government., he urges the speedy termination of the negotiations, pending with respect to the abolition of the Slave Trade. The undersigned has already had the honour to assure Mr. Ashburnham verbally, and has now the honour to repeat that assurance, that the Mexican Government entertain the same desires as those which animate that of Her Britannic Majesty upon this question, and that they will experience the greatest satisfaction in contributing by every means in their power to the extinction of so inhuman a traffic, and that, with so noble an object in view, they will omit no exertion in order that the already commenced negotiations may be entered upon again and be brought to a prosperous conclusion. But in order that this object be happily attained, the undersigned has deemed it expedient, as he has already mentioned to Mr. Ashburnham, that the preliminary steps should be deferred until the month of December next, to the end that, the undersigned having concerted measures with the Committees of Foreign Relations of both Chambers of the General Congress, the new Treaty

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my be forthwith concluded, and be submitted to their approbation during the next period of their ordinary Sessions; seeing that during the present one, as Mr. Ashburnham is aware, solely questions relative to the national revenue can be discussed.

The undersigned submits the above explanation, in answer to the aforementioned note of Her Britannic Majesty's Chargé d'Affaires, to whom he repeats, &c.

(Signed) LUIS G. CUEVAS.

The Hon. C. Ashburnham,
&c. &c. &c.

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MONTEVIDEO.

No. 35.

Mr. Hood to Viscount Palmerston.—(Received May 22.)

My Lord, *Monte Video, February* 18, 1838.

I have the honour to acquaint you that the Legislative Chambers of this Republic met in General Assembly on the 15th instant. The House being opened for the dispatch of business by the Vice-President, the annual Message from the Executive Power was delivered and read; a printed copy of which I herewith enclose, accompanied by a translation of that part of it which has reference to its relations with Great Britain.

I have, &c.,
(Signed) THOMAS SAMUEL HOOD.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 35.

An Extract from the Message of the President of the Oriental Republic of the Uruguay to the General Assembly, upon opening the Chambers on the 15th February, 1838.

(Translation.)

England, in its character of a great maritime and commercial power, has not desired any other condition than that of perfect equality with those nations who may be found in the same position with itself. Founded upon this principle, the negotiation of the Treaty of Commerce, navigation, and friendship, proposed by its Sovereign, might have terminated in a manner reciprocally advantageous if that basis, so acceptable as well as just, had not brought prepared, various other stipulations making illusory the principle which gave rise to the intended amendments in the Protocols of 1835. The Minister of the Republic to the Court of Madrid had some conferences in London with the Principal Secretary for the Foreign Affairs of His Majesty, to clear up whatever might be equivocal in the true spirit of them, and to approximate the conclusion of the Treaty, by relaxing some modifications, and withdrawing others whose importance was no longer vital, in consequence of time having obliterated them, or because other well-considered motives required it. The negotiation was renewed to all appearance under better auspices by the Plenipotentiary of the King in the Argentine Provinces, but the Government had the sorrow to perceive that his faculties were not less restrictive than those of his predecessor. Presuming from this that the result of the new discussion would not be more satisfactory than the first, the explicit declarations, mutually exchanged in this affair, made the contracting parties know how unprofitable was their reciprocal persistance, and the necessity to put an end in this state to the extended and useless correspondence which had been begun. An equal fate attended the Convention proposed for the abolition of the traffic in slaves, whose ratification, as stated by the ministers of His Majesty, was made dependent on that of the Treaty which it accompanied.

They (the Montevidean Government) have recognized nevertheless that if the interests of the one and the other country have not been able to conciliate in this negotiation what ought to serve as a basis of our external political system, the Governments who bring good faith for their guide, are not for this the less deserving of confidence, without there being necessary the stipulation of a Treaty to

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restrain them within the limits which are imposed by a sense of equity, when it would be very unjust to impute solely to an interested motive the cause of the friendship which they cultivate; but if it be true that the union of this feeling and a sense of duty form the tie of friendship, with a firmer character than what would be effected by the former of these two titles alone, it is likewise so that the justice and generosity of the great British people will never allow the friendship of a new-born country, who owes to its mediation in a great measure the happiness of its political existence, to depend upon any other basis than those which can increase it, and secure to it its sympathy.

It is, finally, flattering that the Executive power can manifest to you that the appreciable relations with that Cabinet will be as unalterable and well sustained, as are sincere the sentiments which animate them, and faithful the good offices which it does not cease to shower forth to strengthen them in the double ties of gratittude.

Upon these titles, as well as amongst the recollections which the benevolent reign of the late monarch William IV. has left behind, are engraved the intensity of the grief which all classes of the Republic manifested on receiving the fatal news of his separation from this life, and it can only be mitigated by the flattering security that, under the auspices of his august successor will be maintained, with equal consistency, the ties of the same friendship.

No. 36.

Viscount Palmerston to Mr. Hood.

SIR, *Foreign Office, May 24th,* 1838.

I HEREWITH transmit, for your information, a copy of two series of papers relating to the Slave Trade, which have been presented to the two Houses of Parliament during the present Session by Her Majesty's command.

I am &c.

To Thomas S. Hood, Esq. (Signed) PALMERSTON.
&c. &c. &c.

No. 37.

Viscount Palmerston to Mr. Mandeville.

SIR, *Foreign Office, June 6th,* 1838.

I HAVE to instruct you to present a note to the President of the State of Uruguay, requesting him publicly to correct a misstatement which is contained in a part of His Excellency's Message to the Legislative Assembly, in which, referring to the relations between Great Britain and Uruguay, His Excellency states that the British Government had declared that Great Britain would not conclude with Monte Video, a Treaty for the suppression of the Slave Trade, unless the Government of Monte Video was prepared to conclude, at the same time, a Treaty of Commerce with Great Britain. This erroneous assertion was no doubt occasioned by some misconception or misunderstanding: but you will find by my Despatch of the 25th of July, 1834, that Mr. Hamilton was instructed to make to the Government of Monte Video, a statement directly the reverse; and to say that, even if the British and Montevidean Governments were agreed as to a Treaty of Commerce, the British Government would refuse to conclude such a Treaty with Monte Video, unless Monte Video would consent to conclude simultaneously a Treaty for the suppression of the Slave Trade.

You will say, that Her Majesty's Government, in order that a false impression may not remain as to their sentiments on this matter, request that the correction of this misrepresentation of their communication may be made by the Montevidean Government, in the same manner in which the misstatement itself was made.

You will further say that the British Government is ready at once to conclude with Monte Video, a Treaty for the suppression of the Slave Trade, without waiting for the signature of a Treaty of Commerce; and you will add, that the

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Montevidean Government is earnestly invited by that of Great Britain, immediately to sign and conclude such a Slave Trade Treaty.

I am, &c.

To J. H. Mandeville, Esq. (Signed) PALMERSTON.
&c. &c. &c.

No. 38.

Viscount Palmerston to Mr. Hood.

SIR, *Foreign Office, June* 9, 1838.

I HEREWITH transmit to you the copy of a resolution which was voted unanimously by the House of Commons on the 10th of May, 1838, for an address to Her Majesty upon the Slave Trade, and a copy of the answer, which, on the 23rd of the same month, Her Majesty was pleased to return to that address.

You will see, from these papers, the unceasing and anxious desire of the Parliament and Government of this country for the extinction of the traffic in Slaves.

I am commanded by Her Majesty to instruct you to communicate these papers to the Montevidean Government, and earnestly to press upon them the immediate conclusion of the negociations with which you are charged on this subject.

I am, &c.

To Thomas S. Hood, Esq. (Signed) PALMERSTON.
&c. &c. &c.

No. 39.

Mr. Mandeville to Viscount Palmerston.—(Received August 12.)

MY LORD, *Buenos Ayres, 18th May,* 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked Slave Trade, of the 22nd February last, of this year, acquainting me that, with regard to the negotiation of a Treaty of Commerce between Great Britain and Montevideo, your Lordship has referred to the Board of Trade the several points upon which the Montevidean Minister is desirous that modifications should be made; and that, in order to obviate the objections which the Montevidean Government has raised, to conclude the Treaty for the abolition of the Slave Trade, arising out of the inconveniences which its fulfilment would occasion, owing to the want of a national maritime force, and of a revenue sufficient to defray the expenses of officers to be employed in the Mixed Commission, your Lordship has been pleased to furnish me with instructions to enable me to make proposals for the purpose of obviating these difficulties.

I shall gladly avail myself of the facilities, which these instructions will give me in treating with the Montevidean Government, so soon as any disposition appears on their part to renew the negotiations.

I have, &c.

(Signed) J. H. MANDEVILLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 40.

Viscount Palmerston to Mr. Mandeville.

SIR, *Foreign Office, 17th August,* 1838.

I HAVE received your Despatch of the 18th of May, 1838, and I have to desire that you will not postpone acting upon the instructions conveyed to you in my Despatch, Slave Trade of the 22nd February, of this year, until the Montevidean Government shall have expressed a disposition to resume the negotiations for the conclusion of a Slave Trade Treaty with Great Britian; but that you will, upon the receipt of this Despatch, make a direct proposal to the Montevidean Minister, to renew the negotiations for the purpose above stated, and that you will in the

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course of those negotiations avail yourself of the instructions conveyed to you in my Despatch above-mentioned of this series, in order to arrive at a successful issue with as little delay as possible.

I am, &c.

J. H. Mandeville, Esq. (Signed) PALMERSTON.
&c. &c. &c.

No. 41.

Mr. Mandeville to Viscount Palmerston.—(Received November 30.)

My Lord, *Buenos Ayres, 23rd August,* 1838.

I have the honour to acknowledge the receipt of your Lordship's Despatch of the 6th June, directing me to present a note to the President of the State of Uruguay, requesting him publicly to correct a misstatement, which is contained in a part of his Excellency's Message to the Legislative Assembly, wherein it is stated, that the British Government had declared, that Great Britain would not conclude with Montevideo a Treaty for the suppression of the Slave Trade, unless the Montevidean Government was prepared to conclude at the same time a Treaty of Commerce with Great Britain.

By the last accounts from Montevideo, that town was closely invested by General Rivera's troops, and sanguinary scenes were daily taking place under its walls.

I trust that your Lordship will not, therefore, disapprove of my deferring for a short time to address this note to the President of that Republic, until the Government of that country assume a somewhat more settled form, when I shall not fail to make the representation in the manner prescribed by your Lordship's Despatch.

I have, &c.

(Signed) J. H. MANDEVILLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 42.

Mr. Mandeville to Viscount Palmerston.—(Received December 16.)

My Lord, *Buenos Ayres, 5th September,* 1838.

Although the position of the Government of Montevideo has not much improved since I last had the honour to address your Lordship, still, as it may hold on for some time longer, I have, in obedience to the directions contained in your Lordship's Despatch, marked Slave Trade of the 6th June, addressed a note to the President of the State of the Uruguay, of which the enclosed is a copy.

I have, &c.

(Signed) J. H. MANDEVILLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 42.

Mr. Mandeville to the President of the Republic of Uruguay.

Buenos Ayres, September 5th, 1838.

The undersigned, &c., has received instructions from Viscount Palmerston, &c. directing him to request of His Excellency the President of the Republic of the Uruguay publicly to correct a mistatement, which is contained in part of His Excellency's Message to the Legislative Assembly of this year, in which, referring to the relations between Great Britain and the Republic, His Excellency states that the British Government had declared that Great Britain would not conclude with Montevideo a treaty for the suppression of the Slave Trade, unless the Government of Montevideo was prepared to conclude, at the same time, a Treaty of Commerce with Great Britain.

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It is difficult to conceive how this erroneous assertion took its rise, or from what misconception or misunderstanding it proceeded, for not only did Mr. Hamilton, in the year 1835, make a statement directly the reverse to the Government of Montevideo, and said that, even if the British and Montevidean Governments were agreed as to a Treaty of Amity and Commerce, the British Government would refuse to conclude such a Treaty with Montevideo, unless Montevideo would consent to conclude simultaneously a Treaty for the suppression of the Slave Trade; but the undersigned, after the rupture of his negociations for a Treaty of Commerce, in a note addressed by him, October 27th, 1826, to M. Llambi, Minister for Foreign Affairs at that time, represented to His Excellency " that whatever might have been the motives which induced the Government of the Uruguay to throw obstacles in the way of the negociations of a Treaty of Amity and Commerce, which the British Government proposed to it through Mr. Hamilton during the last year, or to make demands of a nature which the Government of the Uruguay, in preferring them, might have been certain that Great Britain would never consent to; still there can exist no motive that a free state could bring forward, to prevent the Montevidean Government from negotiating a Treaty for the extinction of the abominable traffic in slaves;" and the undersigned proceeded in this note to urge that Government to conclude the Treaty; and further, in his reply to Don Benito Blanco's note of Sept. 9th, of last year, when negotiations for a Treaty of Amity and Commerce were renewed between His Excellency and the undersigned, he observed to that Minister in these words, " The obstacles in the way of the completion of the Treaty of Amity and Commerce being now on the part of the Montevidean Government, I trust, overcome, there remains only the objections which your Excellency has raised against concluding a Treaty for the abolition of the Slave Trade, as proposed by my predecessor, which, if not destroyed, all that we have done and all that we may do, with regard to the conclusion of the first-mentioned Treaty are as nothing. I have the honour to repeat to your Excellency with the greatest respect and truth, that the ratification of the power by the British Government is made dependent upon the conclusion of the latter.

In order, therefore that a false impression may not remain as to the sentiments of Her Majesty's Government on this matter, the undersigned is instructed to request that the correction of this misrepresentation of their communication may be made by the Montevidean Government, in the same manner in which the mistatement itself was made.

The British Government is ready at once to conclude with Montevideo a Treaty for the suppression of the Slave Trade, without waiting for the signature of a Treaty of Commerce; and the Government of the Republic of the Uruguay is eaarestly invited by that of Great Britain immediately to sign and conclude such a Slave Trade Treaty.

The undersigned, &c. &c.
(Signed) J. H. MANDEVILLE.

His Excellency the President of the Republic of the Uruguay,
&c. &c. &c.

No. 43.

Mr. Mandeville to Viscount Palmerston—(Received December 16th.)

My Lord, *Buenos Ayres, September 28th,* 1838.

I have the honour to transmit to your Lordship a copy and translation of a note, which the Minister of Foreign Affairs of the Republic of the Uruguay has sent to me, in reply to the note which, in obedience to the instructions contained in your Lordship's Despatch, marked Slave Trade, of the 6th of June of this year, I addressed to the President of that Republic, requesting His Excellency to correct a mistatement which appeared in his Messsge to the Legislative Assembly, in which His Excellency observed that the British Government would not conclude with the Republic a Treaty for the suppression of the Slave Trade, unless the Government of Montevideo was prepared to conclude at the same time a Treaty of Commerce with Great Britain.

M. Villademoros informs me, that when sufficient time has elapsed to meditate and resolve upon a business of such importance, His Excellency the President will

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not hesitate, if there be grounds, to afford to the Government of Her Majesty complete satisfaction, which is no sacrifice, since justice, and therefore the dignity of the Oriental Republic requires it.

I have, &c.,
(Signed) J. H. MANDEVILLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 43.

(Translation.) *M. Villademoros to Mr. Mandeville.*

Department of Foreign Affairs, Montevideo, September 25, 1838.

His Excellency, the President of the Oriental Republic of the Uruguay, has been informed of the contents of the note which Mr. Mandeville, &c., has been pleased to address him, requiring that a public correction should be made of a *wrong conception* contained in part of the *message* of his Excellency to the Legislative Assembly of this year, in which, referring to the relations between Great Britain and the Republic, he affirms that the British Government had declared that Great Britain would not conclude any Treaty with Montevideo for the suppression of the Slave Trade, unless the Government of Montevideo should be prepared to conclude at the same time a Treaty of commerce with Great Britain.

The undersigned, &c., has in consequence been authorized to reply, that as soon as the time absolutely necessary to meditate and resolve upon a business of such importance has been taken, his Excellency will not hesitate, if there be an opportunity, to afford to the Government of her Britannic Majesty complete satisfaction, which is no sacrifice, since justice requires it, and therefore the dignity itself of the Oriental Republic.

The undersigned, &c. &c.
(Signed) CARLOS G. VILLADEMOROS.

J. H. Mandeville, Esq.
&c. &c. &c.

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NEW GRANADA.

No. 44.

Viscount Palmerston to Mr. Turner.

SIR, *Foreign Office, May* 24, 1838.

I HEREWITH transmit, for your information, a copy of two series of papers relating to the Slave Trade, which have been presented to the two Houses of Parliament, during the present Session, by Her Majesty's command.

I am, &c.

William Turner, Esq., (Signed) PALMERSTON.
&c. &c. &c.

No. 45.

Viscount Palmerston to Mr. Turner.

SIR, *Foreign Office, June* 9, 1838.

I HEREWITH transmit to you the copy of a resolution which was voted unanimously by the House of Commons on the 10th May, 1838, for an Address to Her Majesty upon Slave Trade; and a copy of the answer, which, on the 23rd of the same month, Her Majesty was pleased to return to that Address.

You will see from these papers the unceasing and anxious desire of the Parliament and Government of this country for the extinction of the traffic in slaves.

I am commanded by Her Majesty to instruct you to communicate these papers to the Columbian Government, and earnestly to press upon them the immediate conclusion of the negotiations with which you are charged on this subject.

I am, &c.

William Turner, Esq., (Signed) PALMERSTON.
&c. &c. &c.

No. 46.

Mr. Adams to Viscount Palmerston.—(Received October 28.)

MY LORD, *Bogota, August 23rd,* 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch marked Slave Trade, of 19th April last, addressed to Mr. Turner.

I have, &c.

(Signed) WM. PITT ADAMS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 47.

Mr. Adams to Viscount Palmerston.—(Received December 9.)

MY LORD, *Bogota, 27th September,* 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked Slave Trade, of 9th June last, addressed to Mr. Turner.

In compliance with your Lordship's instructions, I communicated to the Granadian Government a copy of a resolution of the House of Commons of 10th May

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last, for an Address to Her Majesty upon Slave Trade, and a copy of the answer which, on the 23rd of the same month, Her Majesty was pleased to return to that Address.

With reference to that part of your Lordship's instructions, which enjoins me to press upon the Government of this country the conclusion of negotiations respecting Slave Trade, I have the honour to state, that no negotiations are at present pending at Bogota, having for their object the more effectual suppression of the traffic in slaves.

It occurred, however, in the course of conversation with the Granadian Minister before the receipt of your Lordship's Despatch, that his Excellency mentioned to me the prevalence of a report, that the Granadian flag had in some instances been used for the prosecution of the detestable commerce, though he was not in possession of any official information on the subject. General Herrau likewise expressed the anxiety of his Government for its final extinction, and inquired of me what steps had recently been taken by Her Majesty's Government to effect that object, observing the language of my instructions, and that of the resolution of the House of Commons, and believing that this Government are sincerely desirous of contributing to the same object I ventured to address a note to the Granadian Minister, of which the enclosed is a copy, transmitting copies of the Conventions between Great Britain and France of 30th November, 1831, and 22nd March, 1833, and inviting the Government of New Granada to a careful consideration of their contents.

I have informed the French Chargé d'Affaires of my proceedings in this affair, who is not in possession of any instructions on the subject. As soon as I receive an answer from the Granadian Minister, I shall have the honour of communicating it to your Lordship.

I have, &c.
(Signed) WM. PITT ADAMS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 47.

Mr. Adams to General Herrau.

British Legation, Bogota, 8th September, 1838.

The undersigned, Her Britannic Majesty's Chargé d'Affaires has received instructions from his Government to communicate to His Excellency, General Herrau, the Granadian Minister for Foreign Relations, the enclosed copy of a resolution which was voted unanimously by the British House of Commons on 10th May last, for an address to Her Majesty upon the subject of the Slave Trade, and the copy of the answer, which, on the 23rd of the same month, Her Majesty was pleased to return to that address.

The Granadian Government will see from these papers, the unceasing and anxious desire of the Parliament, and Government of Great Britain, for the extinction of the traffic in slaves; and the undersigned being well aware of the sympathy of the Government of General Herrau, in the endeavours of the nations of Europe to put an end to the Slave Trade, has the honour likewise to transmit to His Excellency, copies of two Conventions between the sovereigns of Great Britain and France, signed at Paris on the 30th November, 1831, and 22nd March, 1833, respectively, "for the more effectual suppression of the traffic in slaves," and begs leave to invite the Government of New Granada to a careful consideration of their stipulations: he adds a copy of the Treaty by which the Grand Duke of Tuscany has acceded to the above-mentioned Conventions between Great Britain and France, being the last of many similar acts of accession which has reached his hands.

The undersigned, &c.
(Signed) WM. PITT ADAMS.

To General Herrau,
&c. &c. &c.

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No. 48.

Viscount Palmerston to Mr. Adams.

SIR, *Foreign Office, December* 15, 1838.

I HAVE received your Despatch, marked Slave Trade, of the 27th of September, 1838, enclosing the copy of a note which you had addressed to the Minister of Granada, pressing him to conclude a Treaty between Great Britain and the Republic of Granada, for the suppression of the Slave Trade.

I herewith send to you a Draft of a Treaty for this purpose, similar to those Treaties which have recently been proposed by Her Majesty's Government to the Governments of Chile, of Buenos Ayres, and of other Republics in South America.

The stipulations of these Treaties are different in many essential respects, from the stipulations of the Treaty, concluded between Great Britain and France, upon Slave Trade, which you communicated to the Granadian Minister by your note to His Excellency, of the 8th of September, 1838.

The most essential difference between the Treaty, of which I now send you a Draft, and the Conventions concluded with France is, that by the last-mentioned Conventions vessels detained for slave trading, are, together with their crews, to be delivered over to the ordinary Tribunals of the countries whose flag they bear, in order to be tried by the laws of such country; whereas, by the Treaty of which I send you a Draft, vessels so detained are to be sent for adjudication before Mixed Commissions, established for the special purposes of taking cognizance of such cases. The latter arrangement seems to be most suitable to the case of New Granada; and is the arrangement contained in the Treaties, which Great Britain has concluded with Spain, the Netherlands, Portugal, and Sweden; and the same arrangement also has uniformly been included in the several Treaties on Slave Trade, which have been proposed by Great Britain to the South American States. If the Granadian Government should, on account of expense, or for any other reason, object to appoint Commissioners, to act on the part of the Granadian Republic, in the Mixed Courts of Justice to be established under the Treaty, you may meet such objection, by proposing two additional articles, which I herewith send you.

I enclose with this Despatch full powers from Her Majesty, to enable you to conclude and sign the Treaty.

Her Majesty's Government is most anxious to unite all the maritime states of Christendom, in a league against Slave Trade; and I am commanded by Her Majesty to instruct you to use your best efforts to induce the Government, to which you are accredited, to sign the Treaty which I now send you.

I am, &c.

W. P. Adams, Esq. (Signed) PALMERSTON.

&c. &c. &c.

No. 49.

Mr. Adams to Viscount Palmerston.—(Received January 7, 1839.)

(Extract.) *Bogota, October* 25, 1838.

IN my last Despatch, I had the honour of enclosing a copy of a note I had addressed to the Granadian Minister, in pursuance of your Lordship's instructions, and to state that I had invited the Government of this country to a careful consideration of the stipulations of the Conventions between Great Britain and France for the more effectual suppression of the traffic in slaves. On the 6th instant I received an answer, of which copy and translation are enclosed, from the Granadian Minister, which, while it so far mistakes the object of my note, as to construe it into an invitation to proceed at once to the negotiation of a Convention on the subject of the Slave Trade, expresses at the same time an earnest desire to co-operate in the most efficacious manner towards the final suppression of that dreadful traffic, and concludes with informing me, that the President of the republic had conferred full powers on General Herrau, the Secretary of State for the Interior and Foreign Relations, for the purpose of entering with me into negotiations on this subject.

Upon the receipt of the above note, I sought an interview with his Excellency, and explained to him, that my instructions did not authorise me to enter immediately

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upon the negotiation of a Slave Trade Convention; that in all the acts of accession hitherto received by the mission, France had been a party, as well as Great Britain; and that the French Chargé d'Affaires had informed me he was furnished with no instructions on the subject; that my object was to ascertain whether the Granadian Government could accede to the general principle of the Conventions, in order to inform my Government on the subject; and that I felt confident their ready acquiescence, as manifested in the note of 6th October, would be duly appreciated by your Lordship.

General Herrau replied that his Government was able and willing to accede to the general principle of the Conventions; and that the details could be readily adapted to the circumstances of this country.

General Herrau then informed me, that a vessel had been fitted out in one of the ports of the republic for the African Slave Trade, but that she had not sailed, in consequence of her owner and captain having been detained upon conviction for some other crime. This latter circumstance, he said, had also prevented him from furnishing me with any official documents respecting the vessel in question.

I have the honour to add a copy of the official answer I returned, on the 9th instant, to the proposal for negotiation on the part of the Granadian Government.

First Enclosure in No. 49.

General Herrau to Mr. Adams.

(Translation) *Bogota, 6th October,* 1838.

THE Undersigned having received and submitted to his Excellency the President of the Republic the note of Mr. Adams, &c., in which, when enclosing to him printed copies of the Address presented to the English Throne by the House of Commons, upon the suppression of the Slave Trade, of Her Majesty's concurrence in that Address, and of the Conventions concluded for that purpose with the King of the French and the Grand Duke of Tuscany, he states that he has received instructions from his Government to proceed to the conclusion, with that of New Granada, of a Convention for the same purpose.

The Granadian Government, whose philanthropic and liberal principles are well known, has long witnessed, with the greatest pleasure, the efforts employed by that of Her Britannic Majesty for the complete abolition of the dreadful traffic in slaves; and, sympathizing in such ideas, it will effectually co-operate, on its side, for its complete and perpetual abolition, in this age, when enlightened Governments adopt with enthusiasm, and practice with constancy, everything which is in harmony with the principles of a well-understood advancement. For this purpose His Excellency the President of the Republic, with the previous advice and consent of the Council of State, has been pleased to grant to the Undersigned full powers for proceeding to negociate with Mr. Adams a Treaty, with the laudable object above mentioned; which negociation may be commenced next week, if Mr. Adams has no objection to that course.

The Undersigned, &c.

W. P. Adams, Esq., (Signed) R. A. HERRAU.
&c. &c. &c.

Second Enclosure in No. 49.

Mr. Adams to General Herrau.

British Legation, Bogota, 9th October, 1838.

THE Undersigned, Her Britannic Majesty's Chargé d'Affaires, has the honour to acknowledge the receipt of the note of the 6th instant, in which his Excellency, General Herrau, the Granadian Minister for Foreign Relations, informs him, that, with the view of co-operating in the most effectual manner in the endeavours of Her Majesty's Government for the complete abolition of the Slave Trade, the President of the Republic had conferred upon his Excellency full powers for the negociation of a Treaty on the subject, for which purpose he does the Undersigned the honour to invite him to a conference.

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When in pursuance of his instructions, the Undersigned addressed General Herrau on the 8th of last month, he transmitted to his Excellency copies of Conventions between Great Britain and France, "for the more effectual suppression of the traffic in Slaves," and invited the Government of New Grenada to a consideration of their stipulations, his object was to demonstrate the anxiety of Her Majesty's Government on the subject, and to ascertain whether the Government of this country could acquiesce in the general principles of the above-mentioned Conventions, with the view of communicating the result of his inquiries to Her Majesty's Secretary of State, but he did not intend to imply that he was in possession of the necessary full powers and other authority, for entering at once upon the negociation of a Convention, without further instructions from his Government.

The Undersigned will feel the highest satisfaction in acquainting the Government of Her Majesty with the noble sublimity and prompt concurrence of the Government of New Granada, and has the honour to renew to his Excellency. General Herrau, the assurance of his highest and most distinguished consideration.

General Herrau, (Signed) W. P. ADAMS.
&c. &c. &c.

No. 50.

Viscount Palmerston to Mr. Adams.

SIR, *Foreign Office, 31st January,* 1839.

I HAVE received your Despatch, marked Slave Trade, of the 25th October, 1838.

You will express to the Granadian Government the great satisfaction, which Her Majesty's Government has experienced at learning the anxious and zealous desire of the Granadian Government to co-operate with that of Great Britain, in suppressing the Slave Trade; and you will say, that Her Majesty's Government is thence led to hope that the Treaty, of which a draft was sent to you with my Despatch of the 15th December, 1838, will be agreed to.

I am, &c.

W. P. Adams, Esq., (Signed) PALMERSTON.
&c. &c. &c.

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PERU.

No. 51.

Viscount Palmerston to Mr. Wilson.

SIR, *Foreign Office, 24th May,* 1838.

I HEREWITH transmit, for your information, a copy of two series of papers relating to the Slave Trade, which have been presented to the two Houses of Parliament, during the present Session, by Her Majesty's command.

I am, &c.

B. H. Wilson, Esq. (Signed) PALMERSTON.
&c. &c. &c.

No. 52.

Viscount Palmerston to Mr. Wilson.

SIR, *Foreign Office, 9th June,* 1838.

I HEREWITH transmit to you the copy of a resolution, which was voted unanimously by the House of Commons on the 10th of May, 1838, for an address to Her Majesty upon Slave Trade; and a copy of the answer which, on the 23rd of the same month, Her Majesty was pleased to return to that address.

You will see from these papers, the unceasing and anxious desire of the Parliament and Government of this country for the extinction of the traffic in Slaves.

I am commanded by Her Majesty to instruct you to communicate these papers to the Peru-Bolivian Government; and earnestly to press upon them the immediate conclusion of the negociations with which you are charged on this subject.

I am, &c.

To B. H. Wilson, Esq. (Signed) PALMERSTON.
&c. &c. &c.

No. 53.

Mr. Wilson to Viscount Palmerston.—(Received November 2.)

MY LORD, *Her Majesty's Legation, Lima, 16th June,* 1838.

WITH reference to my Despatch, marked Slave Trade, of the 22nd of October, 1836, stating the willingness of His Excellency the Protector of Santa Cruz to negociate a Treaty with Great Britain, for the total abolition of that inhuman traffic, and for declaring it to be "*Piracy*," and soliciting further instructions upon this subject, I have the honour to state that the speedy transmission to me of full powers to negotiate such a Treaty with the Peru-Bolivian Confederation, would possibly facilitate its success.

I have urgently represented to His Excellency the Protector, the propriety, expediency, and humanity of introducing a clause into the projected constitution of the Peru-Bolivian Confederation, formally abolishing the Slave Trade, and declaring it to be piracy; and I hope the suggestion will be acted upon.

I have, &c.

(Signed) BELFORD H. WILSON.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

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No. 54.

Viscount Palmerston to Mr. Wilson.

SIR, *Foreign Office, 9th November,* 1838.

IN reply to your Despatch, marked Slave Trade, of the 16th of June, 1838, on the expediency of your being furnished with full powers to negociate a Treaty on Slave Trade with the Peru-Bolivian Confederation, I have to refer you to my Despatch of the 30th of April, 1838, in which a full power for that purpose was transmitted to you.

I am, &c.

To B. H. Wilson, Esq. (Signed) PALMERSTON.
&c. &c. &c.

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VENEZUELA.

No. 55.

Sir Robert Ker Porter to Viscount Palmerston.—(*Received May* 9.)

My Lord, *Caracas*, 13 *March*, 1838.

I HAVE the honour to inform your Lordship, that the sanction, on the part of the Chambers of Congress, to the Treaty for the abolition of the traffic in slaves (signed by the respective Plenipotentiaries in May last) has not yet been given.

Early in February the Treaty was transmitted, by order of the Executive, to the Chamber of the Senate, which assembled forthwith and referred it to a Committee to report upon. The report thereon was presented on the 12th ultimo (a copy of which I enclose), wherein reasons are set forth, why Venezuela ought not to enter into the Convention stipulated; yet admitting, at the same time, a full sense of admiration of the philanthropy of Great Britain, in so ardently having stepped forth, as the active and powerful promoter in putting an end to a traffic so iniquitous and disgraceful to human nature. On the Report being read, the Senate voted almost unanimously, against the ratification of the Treaty; and directed that it should be passed without delay to the Chamber of Representatives, together with a project of a Decree on the above decision (for its approbation also), which was instantly done.

In the Lower Chamber again the Treaty was referred to a committee. Expecting day after day to learn the report of the second committee, I refrained from requesting the Government to urge the Chamber to come to its decision on the business pending; but finding that the domestic finance, and affairs of the interior alone, seemed wholly to absorb its time, I wrote to the Minister for Foreign Affairs on the 7th instant, begging him to call the immediate attention of the Executive, to the great delay, as well as procedure of Congress, on the pending Treaty, particularly as the term for the exchange on ratification was so nearly expired, which thus made it absolutely necessary for both Chambers to give their prompt decision thereon; and I also had to observe that perhaps numbers of the members were not aware that, according to the 13th Article of the Treaty of Amity, &c., &c., existing between Great Britain and this Republic, "*Venezuela engages to co-operate with His Britannic Majesty for the total abolition of the Traffic in Slaves;*" but that the proceedings in Congress touching the Slave Treaty, appeared to be in direct opposition *to this co-operation*; and if the Chambers persisted in refusing their approbation to the Treaty, such would be equivalent to a virtual infraction of the Article above cited. On receiving this Despatch from me, the Minister submitted it to the Executive, who directed him immediately to send a copy of it (in translation) to the Chamber of Representatives, for its information and guidance in the matter. This took place on the 8th instant, when my communication was ordered to be placed in the hands of the Committee.

Thus then rests at present this affair. And the moment I learn officially whether the Lower Chamber coincides in opinion with the Upper, or sends back its decision for reconsideration, I will inform you.

I have, &c.,

(Signed) ROBERT KER PORTER.

The Right Hon. Viscount Palmerston, G.C.B.

&c. &c. &c.

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Enclosure in No. 55.

(Translation.)

REPORT of the Commission for Foreign Affairs of the Chamber of the Senate, relative to the Treaty concluded with Great Britain on the Extinction of the traffic in Slaves.

HONOURABLE CHAMBER,

The Commission for Foreign Affairs having maturely meditated on the Treaty, concluded between the Republic of Venzuela and His Majesty the King of the United Kingdom of Great Britain and Ireland, and signed by the respective Plenipotentiaries, on the extinction of the traffic in slaves; and, for reasons about to be expressed, declare to the Senate that, according to its judgment, the approbation thereon is not convenient.

That Great Britain endeavours by every means in her power to put an end to this traffic, and that to attain which, concludes Treaties with other Nations, that their maritime strength may give to hers the most efficacious assistance; it is such philanthropic measures, that all must applaud, displaying a conduct not less humane than generous.

The Constituent Congress of Colombian, even before witnessing the expulsion from the territory of Venezuela of the soldiers of the Peninsula, at the moment of sanctioning the fundamental Code of the Republic, gave a most unequivocal proof of the interest existing on the situation of the slaves, by the law of the 21st of June, 1821, on manumission.

It was not easy to make an act for the extinction of servitude without violating the right of property, but to do all possible towards it compatible therewith. The first article opens the doors of freedom to the children of the slaves, born after the publication of the law in the capitals of provinces. Hence the results are so beneficial and just, an arrangement will in a few years free all the inhabitants of Colombia, and duly inscribed as such in the public registers. The seventh Article clearly and positively prohibits the introduction of slaves in any manner whatever, and assigns penalties to the transgressors; and those which follow have for their object the formation of a fund, destined exclusively for the slaves, who had the misfortune to be born previously, and consequently are not compreheneed in the law cited.

The social compact that united Venezuela with the rest of Colombia is broken; if then some laws fell into disuse, and others were expressly derogated, still that on the manumission did not suffer; on the contrary, all its dispositions were not only confirmed by the Constituent Congress of Venezuela, on the 2nd of October, 1830, but by it the condition of the slaves was ameliorated, and the fund, of which we have already spoken, augmented, by the property of those persons who died intestate, not leaving relations within the class prescribed as heirs by law; and should this fund not be found sufficient to manumit at least 20 slaves, the amount wanting was to be supplied out of the Public Treasury.

This slight review of our legislation on what touches the slaves is enough, in the belief of the Commission, to prove that Venezuela would regard with the greatest pleasure the destruction of the traffic in human beings, which, with disgrace to the intelligence of the present century, even continues to be carried on, although still in a clandestine manner; but the inability of efficaciously co-operating in so laudable and just an enterprize is a motive, which naturally ought to draw Venezuela back from contracting compromises with Great Britain, having for their object the active pursuit of slave vessels employed in that traffic.

By the first Article of the Treaty in question Venezuela will declare abolished the traffic in slaves in all parts of the world, without excepting, it is understood, Australia; and by the third Article is to dictate the means necessary for assimilating, as soon as may be possible, the laws of the Republic with those of Great Britain, as far as are relative to the punishment for trafficking in slaves. The second obliges Venezuela to publish a penal law, two months after the exchange of the ratifications, imposing the most severe punishment on those citizens of the Republic who, under any pretext whatever, take part in the traffic in slaves, and yet it is left to be discussed. That this arrangement is certainly unnecessary, as it respects a country like ours, which, from its want of marine, and by its laws, finds itself almost in the impossibility of exercising such an iniquitous species of traffic.

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Our navigation is in its infancy, although it is certainly grievous to confess it; our vessels scarcely place us in a state to compete with foreigners in the commerce of the neighbouring islands: and the Commission is ignorant whether there be any that do really visit the coasts of Europe. Thus situated, it would appear almost ridiculous that the Government of the Republic should prohibit its citizens, by means of severe laws, a traffic that neither at present, nor ever, was probable, nor even could it be carried on, would find protection in our legislation. Rejoiced indeed would Venezuela be to behold herself in a position effectually to aid Great Britain in the great and philanthropic design of extirpating a traffic, reprobated as contrary to natural rights by every lover of humanity.

Annexed to the Treaty, and forming an integral portion of it, are the instructions with which the cruizers must be provided (belonging to both the contracting parties), destined for the suppression of this traffic. These set forth, besides other things (without doubt just), that the British vessels detained by Venezuelan cruizers in the Brazilian seas, are to be brought to the colony of Demerara; that those detained in the seas of the West Indies are to be brought to Jamaica; that those detained in the seas of Madagascar are to be brought to the Cape of Good Hope; and lastly, that those detained in the African seas are to be conducted to Bathurst in the river Gambia; and in all these cases to be delivered over to their respective British authorities.

The Commission has extracted this part of the instructions, with a view merely to show more clearly what it has already had the honour of stating; namely, that Venezuela, by its nullity as a naval power, ought not to conclude Treaties which she cannot fulfil, although she may be able in the course of years; and, for inasmuch as the Commision applauds the humane and generous conduct of England, feels most profound regret in giving its opinion, *that the Senate do withhold its approbation of the Treaty on the traffic in slaves,* concluded and signed by the respective Plenipotentiaries of Venezuela and Great Britain, on the 19th May, 1837.

(Signed) ANGEL QUINTERO.
JUAN MANUEL CAGIGAL.
Caracas, 12th February, 1838. J. B. CALCANO.

Second Enclosure in No. 55.

Sir R. K. Porter to Colonel Smith.

SIR, *British Legation, Caracas, 7th March,* 1838.

IN consequence of the circumstances that have occurred in Congress, relative to the Treaty for the abolition of the traffic in slaves, as agreed upon by the respective Governments of Venezuela and Great Britain, I beg leave to call the immediate and serious attention of the Executive to this important point thereon, namely, its having been mutually agreed upon, that the ratifications be exchanged within the space of ten months from the day of signing the Treaty by the two Plenipotentiaries, which took place on the 19th May, 1837; and as there scarcely remain three weeks of this term unexpired, I earnestly trust that his Excellency the Vice-President (charged with the executive power) will forthwith urge the Legislative Chambers of the Republic to a speedy decision on this affair, in order that I may be enabled to transmit such decision to Her Majesty's Government without delay.

I take this opportunity of observing (and which circumstance most of the members of Congress do not seem to recollect) that, by the existing Treaty of Amity, entered into between this Republic and Great Britain (Art. 13th), "the Government of Venezuela engages to co-operate with Her Britannic Majesty for the total abolition of the Slave Trade." Now, as the present proceedings of the Congress are in direct opposition to such pledge of co-operation, and should the Chambers persist in their refusal of the Abolition Slave Trade Treaty (for as it stands so was it agreed to by the last and present Executive), it will certainly amount to a virtual infraction of the Article above cited.

I have, &c.
(Signed) ROBERT KER PORTER.

The Hon. Colonel William Smith,
Minister for Foreign Affairs.

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No. 56.

Sir R. K. Porter to Viscount Palmerston.—(Received May 23.)

My Lord, *Caracas, 11th April,* 1838.

In my Despatch of March 13th, marked Slave Trade, I had the honour of stating to your Lordship, that the Treaty on the abolition of the traffic in slaves had been rejected by the Senate of the Congress, which was transmitted by that body, together with the project of a decree thereon, to the Chamber of the Representatives; and I accompanied my Despatch with documents connected with those proceedings.

I have now to state, that the Lower Chamber permitted the Treaty to remain in the hands of its commission, until the expiration of the period fixed for its ratification and exchange. In consequence of this apparent neglect, I addressed the Minister for Foreign Affairs, expressing my sentiments on the conduct of both Chambers; this obliged the Executive to call on the Chamber of Representatives to turn its attention to the subject, notwithstanding the almost closed period of the session.

On the 7th instant I received an answer to my communication, palliating the neglect of the Chamber, on account of its having been so unceasingly occupied with the complicated and distressing financial affairs of the Republic; and at the same time informing me, that the Commission (to whom the Treaty had been referred) had at length given in its report, proposing that the project of the decree sent from the Senate, refusing its consent and approbation for ratification, should not be admitted to discussion, but that the whole be returned to the Senate for reconsideration; particularly as the opinion of the Chamber may prove so very different to that expressed by the members of the other House.

The Minister then expresses the deep regret of the Executive on the unavoidable delay, which has impeded the final settlement of this affair, setting forth the impossibility of the Congress being able to dedicate that attention the subject requires during the few days remaining of the present session. His Excellency therefore informs me that, as the ten months agreed upon for the ratification of the Treaty have already expired, the Government proposes to renew and extend the period to that of twelve, beginning from the 1st day of May next, and terminating on the same day and month of 1839, requesting I would make such proposal known to my own Government, which I now have the honour of doing, and I shall await your Lordship's directions thereon, in order to negotiate the new arrangement. Being in possession of Her Majesty's full powers for continuing the negotiation of the Treaty, this duty on my part can be executed without delay; and I trust next year to be enabled to inform your Lordship that the business is at last satisfactorily settled.

I have, &c.

(Signed) ROBERT KER PORTER.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 56.

Sir R. K. Porter to Colonel Smith.

Sir, *British Legation, Caracas, 22nd March,* 1838.

I had the honour of addressing you on the 7th instant, requesting you would call the immediate attention of the Executive to the delay on the part of Congress, respecting the Treaty for the extinction of the traffic in Slaves, and likewise to the short time then remaining of the period agreed upon by its respective Plenipotentiaries for exchange after ratification. From what I observed had taken place on the part of the Executive, in consequence of the above-named communication (as detailed in the "Conciso"), I was led to suppose, that his Excellency deemed it of sufficient weight in itself not to render necessary anything more should be said by the Government thereon, therefore transmitted my Despatch (in translation) to the Chamber of Representatives, by which body, on being read, it was referred to a Committee; and I now, with much regret, remark, that this Chamber, as well as its Committee, appear to have regarded the importance of the Treaty of so little consequence, as never to give it a thought since; thus permitting the 19th of the present month to pass away, without taking any farther notice whatever of it, although fully aware, from my officio, that on that day would expire the term for

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its ratification or not. In the first instance, the Treaty was rejected by the Senate, for reasons, and in a manner, far from doing credit either to the sound judgment or the national policy of that body. And again, in the second instance, on the day of its being received by the Chamber of the Representatives, it was placed in the hands of a Committee, with whom it remained a dead letter, together with your communication enclosing my Despatch of the 7th, and where, doubtless, the whole of these papers are, and will yet long remain unnoticed.

In consequence of the procedure of both Chambers since the Treaty came before them, I feel it my duty to express, unreservedly, my opinion thereon; but more particularly on the conduct of that of the Representatives, wherein has been manifested a most extraordinary want of common courtesy, even to a degree displaying no trifling disrespect towards the nation, that had so long and so undeviatingly shown itself the sincere friend of Venezuela. And I must indeed add, that an increase of this disrespect has been shown by the Chamber, in allowing, not only the representation made by the British Diplomatic Agent (on the necessity of coming to a speedy decision on the Treaty one way or other) to remain totally unheeded, but likewise augmenting the measure of neglect, by letting the period expire fixed for its ratification, without even deigning to ask whether the members of its Committee had thought of, or intended to fulfil their duty respecting it.

Of course every country follows its own system of national policy; yet it is generally supposed, that such nations as base their independence and respectability on freedom and free institutions, would gladly support and strengthen, as far as lay in their power, that which really constitutes the vital spirit of their own social existence; for should they even find themselves incapable of lending any active aid to that end, at least they ought to render it by a nominal sanction. Taken in this point of view, had the Congress therefore ratified the Treaty in question, Venezuela would not have incurred any other obligation. No active measures from her are therein demanded, much less obliging her (as has been asserted) to maintain vessels of war to follow them up; in fact, the House of the National Legislature has rejected this additional proof of the wish, on the part of Great Britain, not only to cement the existing amity and relations between the two states, but also to raise the country still higher, as a distinguished transatlantic nation in the eyes of those of Europe.

I have now only to say, that I have, by the mail of the present month, transmitted to Her Majesty's Chief Secretary of State for Foreign Affairs all the details in my power, touching the opinion and conduct of the Congress on the Treaty, together with my own correspondence, and other documents connected therewith. However, I await from your Department an official Report of what has been and what may be done on the matter.

I have, &c.

(Signed) ROBERT KER PORTER.

The Hon. Colonel William Smith,
Minister for Foreign Affairs.

Second Enclosure in No. 56.

Colonel Smith to Sir R. K. Porter.

REPUBLIC OF VENEZUELA.

Secretary of State's Office, Department of Foreign Affairs.

SIR, *Caracas, April 7*, 1838.

ON the 8th of March last, I transmitted to the Honourable Chamber of Representatives your note of the day preceding, soliciting a prompt resolution on the affair of the Treaty for the abolition of the traffic in slaves, which had already occupied the attention of that body. In expectation of speedily receiving a decision thereon, I have thus long delayed answering your communication, which I now have the honour of doing, as well as that of the 22nd of the same month.

The Secretary of the Honourable Chamber, in his Despatch to this Department, of yesterday, states, that, when he received your note of the 8th of March, the affair was then under the consideration of an especial Commission, which Commission presented its report to this effect: That the project of the decree sent from the Senate, denying its consent and approbation to the Treaty, be not admit-

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ted for discussion, but that the Chamber of Representatives do examine it in conformity with its constitutional faculties, and express its sentiments; also calling on the Senate to reconsider the matter, particularly as the opinion of the Chamber may prove very different from that given by its members.

The Secretary adds, that as the Chamber of Representatives is now so pressingly occupied with most urgent affairs of the State, and the period for terminating the Session being so near, renders it impossible to dedicate to this subject the due attention it requires, he therefore fears that it will become necessary to defer its consideration until the Legislative Assembly of 1839.

In fact, the attention of the Representatives had been almost entirely taken up in regulating the national finances, and in forming laws bearing thereon. These particular duties have occupied by far the greater portion of the Session; and the very few days now remaining ere it closes, are already pledged to the actual conclusion of such subjects as cannot be dispensed with.

The Executive deeply regrets the delay that has taken place, and which must be apparent to you as unavoidable, from conflicting circumstances that have so completely engrossed the attention of the Chamber of Representatives. The Government, considering, therefore, that the ten months agreed upon in the Treaty for the exchange of the ratifications, having already expired on the 19th of March last, directs me to propose to you, the adjustment of a new period for the act in question, which will embrace a year, beginning from the 1st of May next, until the same day and month of 1839. Hoping you will be good enough to make known to the Government of Her Britannic Majesty, the necessity for this prolongation of time, as also to obtain its approbation of it,

I have, &c.

(Signed) WM. SMITH.

To Sir Robert Ker Porter,
&c. &c. &c.

No. 57.

Viscount Palmerston to Sir R. K. Porter.

SIR, *Foreign Office, May* 24, 1838.

I HEREWITH transmit for your information, a copy of two series of papers relating to the Slave Trade, which have been presented to the two Houses of Parliament during the present Session, by her Majesty's command.

I am, &c.

To Sir R. K. Porter, (Signed) PALMERSTON.
&c. &c. &c.

No. 58.

Viscount Palmerston to Sir R. K. Porter.

SIR, *Foreign Office, May* 31, 1838.

I HAVE received your Despatch marked Slave Trade, of the 11th of April, 1828, expressing the wish of the Government of Venezuela, that the term for the exchange of the ratifications of the Treaty between Great Britain and Venezuela for the suppression of the Slave Trade, may be renewed for twelve months, from the 1st of May, 1838, so as to give time to enable the Congress of Venezuela to take that Treaty into consideration, in their ordinary Session for the year 1839.

You will state to the Government of Venezuela in reply, that Her Majesty's Government readily consent to renew the term for the exchange of the ratifications of the said Treaty; but you will at the same time say, that Her Majesty's Government hope, and as a matter of right, expect, that the Government of Venezuela will take the earliest opportunity of obtaining the aforesaid ratification.

I am, &c.

To Sir R. K. Porter. (Signed) PALMERSTON.
&c. &c. &c.

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No. 59.

Viscount Palmerston to Sir R. K. Porter.

SIR, *Foreign Office, June* 9, 1838.

I HEREWITH transmit to you the copy of a resolution, which was voted unanimously by the House of Commons on the 10th of May, 1838, for an Address to Her Majesty upon Slave Trade, and a copy of the answer, which, on the 23rd of the same month, Her Majesty was pleased to return to that Address.

You will see from these papers the unceasing and anxious desire of the Parliament and Government of this country for the extinction of the traffic in slaves.

I am commanded by Her Majesty to instruct you to communicate these papers to the Venezuelan Government, and earnestly to press upon them the immediate conclu-sion of the negotiations with which you are charged on this subject.

I am, &c.
(Signed) PALMERSTON.

To Sir R. K. Porter,
&c. &c. &c.

No. 60.

Sir R. K. Porter to Viscount Palmerston.—(Received July 19.)

MY LORD, *Caracas, June* 6, 1838.

I HAVE the honour to acknowledge your Lordship's Despatch, Slave Trade, of April 23, in answer to mine of May 27, 1837, transmitting the Treaty I had concluded with the Minister for Foreign Affairs of Venezuela, for the abolition of the traffic in slaves. Your Lordship, will, I trust, have received from me by a recent mail the full statement of what took place in the last Session of Congress here, relative to the Treaty, whereby the final decision of approval thereon was deferred until the reassembling of that body in 1839.

I feel highly flattered, that my diligence and zeal in bringing the negotiation to a successful conclusion, as far as depended on my exertions, has met with the approbation of Her Majesty; and it will be ever the greatest pride of my existence to discharge my duty towards my Sovereign and my country, so as to merit a continuance of such distinguished and enviable expressions of satisfaction.

Should Her Majesty's Government deem it right to accede to the wish of the Executive of this Republic, by extending the period for ratification and exchange of the Treaty, to May 1, 1839, I ardently hope that ere its expiration, to have the honour and gratification of transmitting it to Downing Street, finally ratified by both Chambers, and signed by the President of the State.

I have, &c.
(Signed) ROBERT KER PORTER.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 61.

Sir R. K. Porter to Viscount Palmerston.—(Received July 19.)

MY LORD, *Caracas, June* 6, 1838.

I HAVE the honour to acknowledge the receipt of the printed copies of the additional Article to the Convention, concluded at the Hague in 1818, for the prevention of the traffic in slaves, as also of the Treaty entered into between the Hanse Towns and the King of the French for the like purpose, together with two copies of that concluded with the same Sovereign on the part of the Grand Duke of Tuscany.

I have, &c.
(Signed) ROBERT KER PORTER.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

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No. 62.

Viscount Palmerston to Sir R. Ker Porter.

SIR, *Foreign Office, 3d August,* 1838.

I HAVE received your Despatch, Slave Trade, of the 18th March, 1838, stating that the Chambers of the Senate of Venezuela had refused to ratify the Treaty concluded between Great Britain and that Republic on Slave Trade; that it had been referred to the Chamber of Representatives, and that you had addressed to the Minister of Foreign Affairs a note, of which you enclose to me a copy, pressing for the ratification of that Treaty.

Her Majesty's Government entirely approve your note; and I have to instruct you to declare to the Minister of Venezuela the just expectation of Her Majesty's Government, that the Government of Venezuela will fulfil the engagement which it has taken by the Treaty of Amity, Commerce, and Navigation, with Columbia, of the 18th April, 1825, confirmed by the Convention between Great Britain and Venezuela of the 29th October, 1834, to co-operate with Great Britain for the final and entire abolition of Slave Trade..

I am, &c.

Sir R. K. Porter, (Signed) PALMERSTON.
&c. &c. &c.

No. 63.

Sir R. Ker Porter to Viscount Palmerston.—(Received August 10.)

MY LORD, *Caracas, July* 5, 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked Slave Trade, of May 31, 1838, acceding to the wish of the Venezuelan Government, for a renewal of the term of exchange of the Ratifications of the Treaty between Great Britain and Venezuela, on the suppression of the Slave Trade; and shall not fail stating to the Executive, that Her Majesty's Government certainly expect that of Venezuela will take the earliest possible opportunity of obtaining the Ratification in question.

I seize this occasion of acknowledging the receival of the two Series of Papers, relating to the Slave Trade,—first and second Series, A and B, 1837-8, presented to the two Houses of Parliament during the present Session.

I am, &c.

(Signed) ROBERT KER PORTER.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 64.

Sir R. K. Porter to Viscount Palmerston.

MY LORD, *Caracus, July* 23, 1838.

I HAVE the honour of transmitting to your Lordship the original document (signed by the Minister for Foreign Affairs and myself,) on the renewal of the period for the exchange of the ratifications of the Treaty for the abolition of the traffic in slaves, to twelve months longer, commencing from the 1st day of May, of the present year; and I have every reason to believe, from a conversation I had with the Vice President, that one of the first acts of the Congress for 1839, will be decreeing the approval of the Treaty.

I have, &c.

(Signed) ROBERT KER PORTER.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

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No. 65.

Sir R. Ker Porter to Viscount Palmerston.—(Received September 17.)

My Lord, *Caracas, 10th August,* 1838.

I have the honour of acknowledging your Lordship's Despatch of June 9th, transmitting a printed copy of the unanimous resolution of the House of Commons, on the 10th May last, for an Address to Her Majesty upon Slave Trade; and also a copy of Her Majesty's gracious Answer to that Address. Being fully aware of the unceasing and ardent desire of the British Parliament and Government for the extinction of the disgraceful traffic in slaves, believe me, my Lord, that every exertion on my part has been made, and shall continue to be made, until I have carried through successfully the negociations with which I am charged; and shall instantly communicate to this Government the transmitted papers, at the same time, according to Her Majesty's commands, earnestly press on them, that they urge on the meeting of the Congress for 1839, and that its first act be the approval of the pending Treaty between Great Britain and the Republic, on the abolition of the Slave Trade.

I am, &c.

(Signed) ROBERT KER PORTER.

The Right Hon. Viscount Palmerston, G.C.B., &c. &c. &c.

No. 66.

Sir R. K. Porter to Viscount Palmerston.—(Received October 18th.)

My Lord, *Caracas, August 27th,* 1838.

I have the honour of enclosing to your Lordship a copy, in translation and original, of a Despatch recently received from the Secretary of State for Foreign Affairs to this Republic, in answer to mine, transmitting to the Venezuelian Government copies of the unanimous resolution of the House of Commons, of the 10th of May last, relative to the petition to Her Majesty on the suppression of the traffic in slaves, and of her Majesty's reply thereto. The Venezuelian Minister in his communication, repeats the assurances, already given to me on the part of the Vice President, that every exertion will be made by His Excellency during the first sessions of the Congress for 1839, to the end that the pending Treaty on the Abolition of Slavery be approved and ratified, within the extended period agreed upon in July last.

I have, &c.

(Signed) ROBERT KER PORTER.

The Right Hon Viscount Palmerston, G.C.B., &c. &c. &c.

Enclosure in No. 66.

(Translation.) *Colonel Smith to Sir R. K. Porter.*

REPUBLIC OF VENEZUELA.

Secretary of State's Office for Foreign Affairs,

Sir, *Caraccas, August 25th,* 1838.

Together with your official note of the 13th instant, I had the honour to receive the copy of the resolution, unanimously voted by the British House of Commons on the 10th May last, in order that a petition might be presented to Her Majesty on the suppression of the traffic in slaves, and of the answer thereto by Her Majesty on the 22nd of the same month. It is extremely satisfactory for the Government of Venezuela to observe in these interesting documents the unceasing and ardent desire of the Parliament and Government of Great Britain for the extinction of the traffic in slaves; and his Excellency the Vice-President will fulfil, with the greatest pleasure, the promise he has already made to you of reiterating to the Congress of 1839 his arguments, to the end that, during its first Sessions, approbation may be given to the treaty of the 10th of May, 1837, so that the Rati-

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fication may take place within the period fixed upon, in accordance with the agreement entered into on the 20th of July last, which so well corresponds with the basis of international friendship; and, at the same time, will likewise exhibit a new proof of the philanthropic and humane principles, moral and political, that have ever guided Venezuela.

I am, &c.

To Sir R. K. Porter, &c. &c. &c. (Signed) WM. SMITH.

No. 67.

Sir R. K. Porter to Viscount Palmerston.—(Received November 23rd.)

My Lord, *Caracas, October 2nd,* 1838.

In consequence of the Vice President, charged with the executive power of this Republic, having again reflected on the substance of your Lordship's Despatch of August the 13th, stating the unanimous vote of the House of Commons, on a petition being presented to Her Majesty relative to the suppression of the traffic in slaves, and His Excellency being extremely anxious, that the final conclusion and ratification of the Treaty thereon between the two countries should not be longer delayed than during the sessions of the approaching Congress, directed his Minister for Foreign Affairs to state to me that, notwithstanding the Government fully expected the legislative body would give its approbation to the Treaty of the 19th May, 1837, still, in case of the contrary, the executive wishing to be prepared, he had been directed to transmit to me the project of a new treaty, which, with very slight alterations, was the same as that now pending; the only *really new portion of which consisted in an additional article,* drawn up with the object of fixing in a clearer light the spirit of that of the "First Article," in order that the view taken of it by the generality might no longer offer motives for controversy in the Chambers; adding, that although slaves still exist in Venezuela, but whose emancipation must gradually take place in conformity with the laws, yet, in conformity to them, slaves can be sold *within the territory* of the Republic. Hence it was the anxious wish of the Executive I should read and transmit to your Lordship the alterations in question (with as little delay as possible,) which I now do, that, in the event of their approval, they may be returned, accompanied by a corresponding authorization to me (should any additional one than the present full powers from Her Majesty be necessary) for the conclusion of this new Treaty, in time sufficient for its being laid before the Chambers of the State, ere their sessions terminate in the course of April next.

As the whole of the alterations made consist merely in the second Article of the present Treaty, and in the additional one before-named, I have therefore only transmitted copies of such. Every other part of the convention stands the same.

The Venezuelian Minister likewise informs me, it is notwithstanding the wish and hope of this Government that the Congress do approve the Treaty of the 19th Nay, 1837, and if so, then this new project will only be considered as explanatory of the sense of the First Article.

As the approaching Sessions of Congress commence towards the close of January next, may I beg the early attention of your Lordship to the subject of this Despatch.

I have, &c.

(Signed) ROBERT KER PORTER.

The Right Hon. Viscount Palmerston, G.C.B., &c. &c. &c.

Enclosure in No. 67.

(Translation.) *Colonel Smith to Sir Robert Ker Porter.*

Secretary of State's Office for Foreign Affairs,

Sir, *Caraccas, Sept.* 29, 1838.

Although the Government expects that the next Congress will give its approbation to the Treaty on the abolition of the traffic in slaves, concluded between

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Venezuela and Great Britain on the 19th May, 1837, its wish however is to be prepared to enter into a new Treaty, in case of the contrary, on the terms you will see in the subjoined project, which with very slight alterations is the same Treaty as already submitted for the approbation of Congress. There is only new in it an additional article, having for its object to fix in a clearer light the sense of the First Article, in order that the view the generality have conceived of it, may no longer offer motives for controversy; for, although slaves still exist within the territory of Venezuela (whose emancipation must gradually take place as the result of our laws), yet, in conformity with the laws, they can be sold within the country.

Be good enough to examine this new project, and consult thereon the Government of Her Britannic Majesty with the greatest brevity, so that its approval, and the corresponding authorization to its Minister, may come before the Sessions of the approaching Congress terminate, to enable the new Treaty to be presented for deliberation.

If, as is the hope and wish of the Government, the Congress approve the Treaty of the 19th May, 1837, the new project will then be considered nearly as explanatory of the sense of the First Article on which the high contracting parties should agree.

I am, &c.

To Sir R. K. Porter, (Signed) WILLIAM SMITH.
&c. &c. &c.

No. 68.

Viscount Palmerston to Sir R. K. Porter.

SIR, *Foreign Office, December* 1, 1838.

I HAVE had under consideration your Despatch, Slave Trade, of the 2nd October last, and its enclosures.

I see no objection to the alterations which are therein proposed to be made in the Treaty, concluded between Great Britain and Venezuela on the 19th May, 1837, for the suppression of the Slave Trade; provided only that, in the explanatory Article, instead of the words "que sa van a entrar de les Costas de Africa," words shall be inserted to the effect of "which are brought into the territory of Venezuela by sea or by land, from any place which is out of that territory."

If, therefore, it shall be found, that the Congress of Venezuela object to the ratification of the Treaty, as it was concluded on the 19th of May, 1837, you will state to the Venezuelan Minister, that Her Majesty's Government, for the sake of obtaining the ratification to a treaty of this nature, consent at once that the alterations, contained in his communication to you of the 29th September last, shall be made, taking care only that the single amendment which I have now proposed in those alterations shall be adopted; and you will conclude and sign the Treaty thus altered accordingly.

The full power, which you already possess, will enable you to conduct and conclude this negotiation.

I have, &c.

Sir R. Ker Porter, (Signed) PALMERSTON.
&c. &c. &c.

No. 69.

Sir R. K. Porter to Viscount Palmerston.—(Received January 7, 1839.)

MY LORD, *Caracas, October* 18, 1838.

I HAVE the honour of acknowledging your Lordship's Despatch, Slave Trade, of August 3, 1838, and feel highly gratified that Her Majesty's Government fully approved of the note I addressed to that of Venezuela on the 7th of last March, pressing for the ratification of the Treaty on the abolition of the traffic in slaves. I have already strongly urged (and lose no opportunity of urging) to the Venezuelian Minister the just expectations of the British Government, that this

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republic do fulfil the sacred pledge given by Treaty, to co-operate with Great Britain for the final and entire abolition of the Slave Trade.

I have, &c.

(Signed) ROBERT KER PORTER.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 70.

Viscount Palmerston to Sir R. K. Porter.

SIR, *Foreign Office, January* 31, 1839.

I HAVE received your Despatch, marked Slave Trade, of the 18th October, 1838; and I have to desire that you will renew your application to the Government of Venezuela for the ratification of the Treaty, already concluded between Great Britain and Venezuela, for the abolition of the Slave Trade; and that you will, in your renewed application, express the just expectation of Her Majesty's Government, that the Venezuelian Government will fulfil the pledge, which that republic has given to Great Britain, to complete and carry that Treaty into effect.

I have, &c.

To Sir R. K. Porter, (Signed) PALMERSTON.
&c. &c. &c.

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UNITED STATES.

No. 71.

Viscount Palmerston to Mr. Fox.

SIR, *Foreign Office, May* 24, 1838.

I HEREWITH transmit, for your information, two copies of two series of papers relating to the Slave Trade, which have been presented to the two Houses of Parliament, during the present session, by Her Majesty's command.

I am, &c.

H. S. Fox, Esq. (Signed) PALMERSTON.
&c. &c. &c.

No. 72.

Viscount Palmerston to Mr. Fox.

SIR, *Foreign Office,* 31*st May,* 1838.

I HAVE received information from Her Majesty's Commissioners at the Havana, that persons, who are engaged in the Slave Trade in Cuba, and who are desirous to evade the effect of the stipulations of the Treaty, of the 28th June, 1835, between Great Britain and Spain, have lately made a practice of purchasing vessels in the United States, and of sending them, equipped for Slave Trade, under American colours, to the Cape de Verde Islands, or to the coast of Africa; that a mock sale of such vessels is there made, and the vessel is pretended to be transferred to Spanish or Portuguese owners; the name of the vessel being changed, and all vestige of her former character lost.

You will communicate these circumstances to the Government of the United States; and will suggest to that Government, that such measures may be taken as shall appear to them to be most proper for preventing this abuse of the flag of the Union for purposes of Slave Trade.

I am, &c.

H. S. Fox, Esq. (Signed) PALMERSTON.
&c. &c. &c.

No. 73.

Viscount Palmerston to Mr. Fox.

SIR, *Foreign Office,* 31*st May,* 1838.

I HEREWITH transmit to you the copy of a Despatch, which I have received from Her Majesty's Commissioners at the Havana, stating that a schooner, under American colours, had landed a cargo of between 200 and 300 negroes, near Matanzas.

You will communicate the facts of this case to the American Government, and you will point out to Mr. Forsyth, that, although there may have been none but Spaniards on board, this case is, nevertheless, an instance of impunity afforded to Slave Trade by the shelter of the American flag.

I am, &c.

H. S. Fox, Esq. (Signed) PALMERSTON.
&c. &c. &c.

Enclosure in No. 73.

Havana Commissioners, April 21*st*, 1838.

(See Class A. No. 55.)

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No. 74.

Viscount Palmerston to Mr Fox.

SIR, *Foreign Office, 9th June,* 1838.

I HEREWITH transmit to you the copy of a Resolution which was voted unanimously by the House of Commons on the 10th of May, 1838, for an Address to Her Majesty upon Slave Trade, and a copy of the Answer, which, on the 23rd of the same month, Her Majesty was pleased to return to that Address.

You will see from these papers the unceasing and anxious desire of the Parliament and Government of this country for the extinction of the traffic in slaves.

I am, &c.

H. S. Fox, Esq. (Signed) PALMERSTON.
&c. &c. &c.

No. 75.

Viscount Palmerston to Mr. Fox.

SIR, *Foreign Office, October* 12, 1838.

I HEREWITH transmit to you, for communication to the Government of the United States, an extract from a Despatch, which I have received from Her Majesty's Judge in the Mixed British and Spanish Court at Havana, upon the subject of the continued employment of the American Flag in aid of Slave Trade undertakings.

I have, &c.

(Signed) PALMERSTON.

H. S. Fox, Esq.
&c. &c. &c.

Enclosure in No. 75.

Havana Commissioners, 22nd August, 1838.

(See Class A. No. 82)

No. 76.

Viscount Palmerston to Mr. Fox.

SIR, *Foreign Office, November* 9, 1838.

I HEREWITH transmit to you a copy of a Despatch and of its enclosure, which I have received from Her Majesty's Commissioners at Sierra Leone, appointed to carry into execution Treaties for the suppression of the Slave Trade, giving an account of the case of the Portuguese schooner "*Prova,*" which was recently captured, with a cargo of slaves on board, by Her Majesty's ship "Pylades."

It appears from the papers of the "*Prova,*" that she had been suffered to clear out on the voyage on which she was captured from the American Port of Charleston, where she had been lying many months, and whence she had departed with her Slave Trade equipment on board.

You will communicate the papers on this case to the American Minister, and express the confidence of Her Majesty's Government that the United States Government will take such measures, as in their opinion, shall be best calculated to prevent, in future, vessels evidently intended for Slave Trade from clearing out from a Port of the United States.

I have, &c.,

H. S. Fox, Esq. (Signed) PALMERSTON.
&c. &c. &c.

Enclosure in No. 76.

Sierra Leone Commissioners, 31st July, 1838.

(See Class A. No. 36.)

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Class A.

(FURTHER SERIES.)

CORRESPONDENCE

WITH THE

BRITISH COMMISSIONERS

RELATING TO

THE SLAVE TRADE.

1838-9.

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Class A.

(FURTHER SERIES.)

CORRESPONDENCE

WITH THE

BRITISH COMMISSIONERS.

AT

SIERRA LEONE, THE HAVANA, AND RIO DE JANEIRO,

RELATING TO

THE SLAVE TRADE.

FROM FEBRUARY 2, TO MAY 31, 1839.

Presented to both Houses of Parliament, by Command of Her Majesty,
1839.

LONDON:
PRINTED BY W. CLOWES AND SONS, STAMFORD STREET,
FOR HER MAJESTY'S STATIONERY OFFICE.

1839.

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Class A.—(Further Series.)—1838-9.

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Class A.—1838-9.

FURTHER SERIES.

CORRESPONDENCE

WITH

THE BRITISH COMMISSIONERS.

SIERRA LEONE. (*General.*)

No. 1.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received April* 1, 1839.)

My Lord, *Sierra Leone, October* 31*st*, 1838.

We have the honour to hand to your Lordship inclosed the copy of an order, issued a few days since to the Marshal to the courts, and which seemed to us to be rendered necessary, by the notoriety of the fact, that frequent robberies have been committed on board of prize vessels, and that goods and stores have been clandestinely landed by the Spaniards and Portuguese, composing the detained crews, before the prizes were placed under the charge and superintendence of the Marshal to the Courts.

To remedy this evil, by which captors are plundered, and the revenue defrauded, it has now been ordered, that the Marshal shall take charge of all vessels, brought before the courts for adjudication, immediately on the witnesses in preparatory being landed from them; first taking, in concert with the prize officer or the captor's agent, an inventory of the tackle and stores, so far as the same may be possible without removing the cargo. From that moment the Marshal becomes responsible for every thing on board; the prize-master and his crew leave the vessel, and go on board the "Conflict" gun brig, provided for the reception of prize crews; and the Portuguese or Spaniards are sent on shore, where if they remain, (which seldom happens in a clear case of slave dealing), until the adjudication of the vessel a few days afterwards, they receive from the Marshal, day by day, three shillings and sixpence for a master or mate, and two shillings for a seaman, for the purpose of providing board and lodging for themselves. The convenience of this practice is great; the expence trifling, there being seldom more than three witnesses sent up in any particular case. The plunder of the stores and cargo, and the wasteful expenditure of provisions are thus prevented, and all the property awaiting adjudication is placed under the care and protection of a responsible officer of the court. For this slight additional expence, entailed in the first instance by this arrangement, the captor is eventually much more than compensated by the increased amount of goods for sale by public auction, and by the opportunity which is thus afforded to prize officers and prize crews of leaving this place, and of joining their ships, by the earliest conveyance which offers after their arrival.

On these grounds we trust, that the order in question will meet with your Lordship's approval.

We have, &c.

(Signed) W. H. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

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Enclosure in No. 1.

Order.

Sierra Leone, October 22nd, 1838.

WHEREAS it appears from examinations taken at the police office, that a quantity of clothes and other articles were lately landed from the Spanish schooner "*Constituçâo,*" prize to Her Majesty's schooner "Fair Rosamond," before the said prize was placed under the charge and superintendence of the Marshal to the courts,

And whereas there is reason to believe, that similar robberies have frequently been committed by the detained crews, whilst the prize officers in charge of prizes have been necessarily absent on duty on shore,

It is hereby ordered,

1st. That immediately on witnesses in preparatory being landed from a vessel before the Court, for the purpose of their being examined on the standing interrogatories, the marshal shall proceed on board and take charge of such vessel, and shall secure her stores and cargo by locking, sealing, and fastening the hatches and bulk heads, or by other means, and that he shall leave on board a sufficient crew, with a trusty person in charge.

2nd. That the Marshal shall, as early as possible after he has taken charge of such vessel, take, in concert with the prize-master, or a person appointed by the captors, or the captors' agent, a true and correct inventory of her tackle, apparel, and furniture, stores, and cargo, so far as the same may be possible without removing the cargo, and that the said inventory shall have particular reference to, and shall be compared with, the list of stores &c., found on board the detained vessel at the time of her capture, and attached to the captor's declaration; and that the said inventory shall be signed by the Marshal, and by the prize master, or by the person appointed by the captors or by their agent, to take the said inventory, and shall then be left at the Registry Office.

3rd. That, from the time of his taking charge of a vessel, the Marshal shall be held responsible for all the property placed under his care, and that the prize-master and his crew shall leave the vessel, immediately on the Marshal taking charge of her.

4th. That the detained crew shall likewise leave the vessel at the same time, and shall be allowed for every day, between the day of their so leaving, and the day on which the vessel may be adjudicated, the sum of three shillings and sixpence for a master or mate, and two shillings for a seaman, per day, for board and lodging, to be paid by the Marshal day by day, during that interval, to each person of the detained crew.

5th. That all the bags, chests, and packages, claimed as the private property of the detained crew, shall be searched by the Marshal, previous to their being taken on shore, and that nothing shall then or afterwards be removed from the vessel, which shall not be *bonâ fide* private and personal property.

(Signed.) H. W. MACAULAY.
R. DOHERTY.

A true Copy.

(Signed) J. MILLER, Acting Registrar.

No. 2.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received April* 1, 1839.)

MY LORD, *Sierra Leone, November* 15, 1838.

WE have had the honour to receive your Lordship's Despatch of the 17th of September, 1838, acquainting us that the Queen's Advocate is of opinion, that the course prescribed by the Treaties in the case of death, absence, or illness of a regularly appointed Commissioner, should be adopted in a like contingency occurring in the case of an acting Commissioner; and instructing us to provide for the case of the *illness* of an acting Commissioner, by swearing in the Colonial Officer next in succession, to carry on the business, until such time as the acting Commissioner shall be able to resume his duties.

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We shall not fail to follow your Lordship's directions, whenever the supposed case occurs.

We have, &c.
(Signed) H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 3.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, April* 22, 1839.

CONSIDERABLE inconvenience has been occasioned to the public service, by delay which has taken place in the arrival of your Despatches, giving accounts of the cases, which have been adjudicated by you towards the latter period of the year, and containing reports of your proceedings, made up to the conclusion of the twelvemonth. I have therefore, to desire, that you will in future take care to transmit those accounts and reports to me, for the information of Her Majesty's Government, as soon as possible after the transactions which they record shall have been completed.

You will likewise be careful to transmit to this office your Annual Report upon the Slave Trade, at the earliest possible moment after the end of the period to which it refers.

Your Report upon this subject for the year 1838 has not yet been received.

I am, &c.
Her Majesty's Commissioners, (Signed) PALMERSTON.
&c. &c. &c.

No. 4.

Her Majesty's Commissioners to Viscount Palmerston,—(*Received April* 25, 1839.)

MY LORD, *Sierra Leone, December* 31*st*, 1838.

WE have the honour to transmit herewith to your Lordship, a certified copy of the list of slaves, registered here by the different Mixed Courts, from the 30th of June 1838, to this date. The number so registered was 1963.

We have, &c.
(Signed) H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 4.

Abstract.

	Number Registered.	Number died before Registration but Emancipated.	Number Emancipated.
Prova	193	1	194
Pacquete Feliz	187	0	187
Prova	293	1	295*
Dolcinea	249	0	249
Liberal	583	0	583
Emprendedor	458	0	458
	1963	2	1966

Memorandum.

Number registered up to the 30th June, 1838	46,396
Number registered from June 30, to December 31, 1838	1963
Total	48,359

* Remark—One girl absconded.

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In addition to the foregoing list of emancipated slaves registered during the period set forth, there were 475 slaves landed from the Portuguese brig "*Diligente,*" 569, from the Portuguese brig "*Camoens,*" and 79 from the Portuguese schooner "*Ingemane,*" at Nassau, New Providence, Bahama Islands; and 324 from the Portuguese schooner "*Felix,*" at Kingston in the island of Jamaica; in all 1447, the survivors of whom are emancipated by Decrees of the British and Portuguese Court of Mixed Commission.

(Signed.) J. MILLER, Acting Registrar.

Sierra Leone, December 31, 1838.

These are to certify, that the foregoing is a true and correct copy of the original list of slaves, registered and emancipated by Courts of Mixed Commissions, established at Sierra Leone, under the Treaties with Foreign Powers for preventing the Illicit Traffic in slaves, during the period from the 30th day of June, to the 31st day of December 1838.

In faith and testimony whereof I have hereunto set my hand, and affixed the seal of the Mixed Commissions, at Freetown, in the said colony, this 31st day of December, in the year of our Lord 1838.

(L. S.) (Signed.) J. MILLER, Acting Registrar.

No. 5.

Her Majesty's Judge to Viscount Palmerston.—(Received May 30.)

My Lord, *Sierra Leone, February* 15, 1839.

I have the honour to report to your Lordship, that Walter William Lewis, Esq., Her Majesty's Commissioner of Arbitration, arrived yesterday from England.

It is only due to His Excellency Colonel Richard Doherty, the Governor of the colony (who has for some time filled Mr. Lewis's place), to say, that on every occasion where his assistance was required, he has afforded it with the utmost cordiality and cheerfulness.

I have, &c.

(Signed) H. W. MACAULAY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

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SIERRA LEONE. *(Spain.)*

No. 6.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received February* 4, 1839.)

My Lord, *Sierra Leone, August 15th*, 1838.

We have the honour to forward herewith to your Lordship our Report of the case of the Spanish schooner "*Opposiçao*," Joao Rodriguez, Master, condemned in the British and Spanish Mixed Court of Justice, on the 13th instant, for being equipped for the Slave Trade, in contravention of the Tenth Article of the Slave Trade Treaty between Great Britain and Spain.

At the time when this vessel was captured by Her Majesty's sloop "Pearl," Lord Clarence Edward Paget commanding, she was on her way to the port of Havana, from one of the numerous keys which abound on the coast of Cuba, where she had just before landed a cargo of slaves from the coast of Africa. That she had effected the object of her voyage in this respect was sufficiently indicated by symptoms, which will not admit of question or explanation; and it was Captain Paget's intention, in the first instance, to have prosecuted the "*Opposiçao*" under the additional Article, which subjects to seizure and condemnation vessels, which may have shipped a slave or slaves in the particular voyage in which they are captured, even though no slave should be on board at the moment of detention.

The "*Opposiçao*" was sailing under Portuguese colours, and was furnished with Portuguese papers, when she was met with and detained by the "Pearl." She was therefore, as soon as possible, dispatched to this place, where alone Portuguese vessels can be adjudicated.

From the evidence taken in the case it was discovered, that the detained schooner was altogether employed in the Slave Trade of Spain; that she sailed from Havana on the outward voyage with a cargo of goods laden at that port; and that she was returning to Havana, when fallen in with, after having landed a cargo of slaves in the neighbourhood. The owner was, by his own statement, "*a merchant resident at Havana*;" and the greater part of the officers of the vessel, all indeed except the nominal Portuguese captain, were Spaniards, and were, with the rest of the crew, hired and shipped, for a voyage from Havana to the coast of Africa and back.

The principle, "that the national character of a merchant is to be taken from the place of his residence, and of his mercantile establishment, and not from the place of his birth," had therefore unquestionably affixed a Spanish character on the "*Opposiçao*" and her owner, and had rendered them subject to all the penalties, which would have been incurred by natural-born subjects of Spain, for a breach of the municipal laws, or of the Treaty stipulations entered into by that Power.

On the discovery of the facts to which we have above referred, the Captor's Proctor exercised, we think, a sound discretion in withdrawing the vessel from the Portuguese Court, and prosecuting her in the British and Spanish Mixed Court of Justice for being illegally equipped. Of the illegal equipment no doubt could be entertained; and the employment in Spanish trade was proved with equal clearness. The "*Opposiçao*" was accordingly pronounced to be a Spanish vessel, so far at least as respects the particular voyage in which she was detained; and she was condemned for having on board almost every one of the articles, denounced in the Tenth Article of the Spanish Treaty.

We have, &c

(Signed) H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

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Enclosure in No. 6.

Report of the Case of the Spanish Schoomer "Opposiçao," *Joao Rodriguez, Master.*

The following papers were found on board this vessel at the time of her capture:—

1. A Portuguese passport from José Maria de Souza Almeida Macedo e Vasconcellos, Governor and Captain General of Angola and its dependencies, dated at St. Paul de Loando on the 5th of April, 1834, notifying that the Portuguese schooner called the "*Opposiçao,*" of which Manuel Baptista dos Santos e Silva was Master, and Jacintho Pereira Carneiro, Owner, both Portuguese subjects, was about to make a voyage from Loando to Maranham. This passport appears not to have been made use of during the three following years, as the first and only visa endorsed on it is made by José Miguel Fernandez, the Portuguese Consul at Havana, on the 27th of September, 1837, in which it is stated that the "*Opposiçao*" was then bound from Havana to St. Paul de Loando, under the command of Joao Rodriguez, who had been appointed Master by Don Manuel Cardozo, to whom that right belonged, in consequence of his having purchased the vessel.

2. A list of crew, dated at Havana, September 26th, 1837, describing Joao Rodriguez as the Master, and Manoel Cardozo as the owner, at that time.

3. Is the Custom House clearance from Havana, dated a few days previously, and in which the Master is said to be Don Manuel Cardozo, who is named merely as owner in the other Papers, the extra water-casks are declared, in the usual style, to be shipped "for the purpose of bringing back palm-oil," and three slave-boilers are called "three caldrons for clarifying palm-oil."

4. The Bill of Sale of the "*Opposiçao*" was executed at Havana only a few days before the vessel cleared out from that port; and it is therein stated, that Joaquim José Pereira d'Abreo, as the Agent by power of attorney of Jacinto Pereira Carneiro, the original owner, sells to Manuel Cardozo all right and title to the "*Opposiçao*" for the sum of one thousand and twenty Spanish Dollars.

5. The Log-book purports "to contain an account of the homeward voyage from Cape Padron on the Rio Zaire (or Congo) towards the port of Havana." It commences on the 2nd of March, 1838, and is kept up regularly to the 25th of April, 1838, on which day the vessel was captured by Her Majesty's sloop "Pearl," Lord Clarence Edward Paget commanding.

The "*Opposiçao*" was taken possession of by the "Pearl" off the northern part of the Island of Cuba, in consequence of there being every indication that she had just before landed a cargo of slaves on some part of the coast; and it was the intention of Captain Paget to prosecute his prize, for a breach of the 1st Additional Article to the Portuguese Convention, signed at Lisbon the 15th day of March, 1823.

Immediately after capture the "*Opposiçao*" was taken into the port of Havana; and the case was submitted, with the vessel's papers, for the consideration of Her Majesty's Commissary Judge at that place; who thereupon gave a written opinion, which Lord Clarence Paget considers "rendered it impossible for him to pursue any other course than that of sending the vessel to Sierra Leone." Mr. Kennedy's opinion is in the following words:—

"*Havana, 29th April,* 1838.

"In the case of the '*Opposiçao,*' Portuguese schooner, brought into this harbour yesterday by Her Majesty's sloop 'Pearl,' understanding that, though no slaves were actually found on board, yet that all the circumstances which attend the fact of her having very recently landed a cargo of slaves, were so strongly existing as to leave no reasonable doubt of slaves having been put on board in this particular voyage, I should have no hesitation in giving a decision for condemnation, in accordance with the Additional Articles of the 15th of March, 1823. But, as the construction of what may be required under the words, or what may be considered clear and undeniable proof of slaves having been put on board for the purpose of illegal traffic, may very probably be different with different persons, I should wish it to be understood, that I would put on them a construction the strictest for the putting down of the Slave Trade, where there can be no question of the actual guilt; and of this I feel assured, that any officer acting honestly and zealously will be supported by Her Majesty's Government.

(Signed) J. KENNEDY."

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It is much to be regretted that this case was not adjudicated in the British and Spanish Mixed Court of Justice established at Havana, rather than in that established here, whereby much expense, inconvenience, and loss of time would have been spared to the captors; and the reasoning of Mr. Kennedy would, of course, have been equally applicable to the case of a vessel captured under the explanatory article to the Spanish Treaty of 1817, which was signed at Madrid on the 10th of December, 1822, because in both cases the same words and expressions are used. We do not feel called upon to admit or to deny the correctness of the opinion, which Mr. Kennedy has here expressed; as the only grounds on which the "*Opposiçao*" was ultimately prosecuted, and condemned in this place were:—First, that the Spanish character, with which the detained vessel and the owners had been invested, by employment in Spanish Trade, and a domicile in a Spanish port, had brought the case within the reach of the Spanish Treaty. Secondly, that there was an unquestionable equipment for the illicit Slave Trade, evidenced by the presence of almost every article enumerated in the Spanish Treaty, as indicative of an employment in that trade.

A prosecution, it is true, was commenced by the captor's proctor against the "*Opposiçao* in the British and Portuguese Court of Mixed Commission; but the case was subsequently transferred, on petition, to the British and Spanish Mixed Court of Justice, when it was found by the learned gentleman, that a Spanish national character could be clearly affixed to the adventure, in which the detained vessel was engaged at the time of her capture; and that, taking into account the circumstances and correspondence, which preceded and accompanied the publication of the 1st Additional Article to the Portuguese Convention, some doubt might possibly be entertained by the Judges of the British and Portuguese Court, whether the article in question would authorise the capture of vessels, which had completely effected the object of their voyage by the final disembarkation of their slaves at their appointed destination; or of such vessels only as had "put their slaves momentarily on shore, immediately prior to their being visited by ships of war," with the object of re-embarking those slaves at a favourable opportunity; and "*thus* finding means to evade forfeiture, and to pursue their unlawful course with impunity."

Upon these points, we repeat, the Court was not called upon in the present case to decide; as the condemnation of the "*Opposiçao*" was claimed by the captor's proctor, merely on the ground of the violation of the equipment article of the Spanish Treaty.

After leaving Havana, the "*Opposiçao*" was carried by the captor to Bermuda, where she underwent such repairs as were necessary to enable her to prosecute a voyage to Sierra Leone; and she reached this place on the morning of the 6th ultimo, under the charge of Mr. Donald McLeod Mackenzie, senior Mate of Her Majesty's sloop "Pearl," and having on board the Captain, Boatswain, and Cook, as witnesses.

The case, on the following day, came regularly before the British and Portuguese Court, at the instance of the captors; the ship's papers and the seizor's Declaration having been filed, the monition sent forth, and the evidence directed to be taken.

The following is the substance of the Captor's Declaration:—"I, Clarence Edward Paget, Commander of Her Majesty's sloop 'Pearl,' do hereby declare that, on the 25th day of April, 1838, in latitude 23° 55′ North, longitude 84° 47′ West, I fell in with and detained, whilst sailing under Portuguese colours, the schooner '*Opposiçao*,' with a crew list containing the names of twenty-three individuals, including Joao Rodriguez, the master, of whom there was found on board, at the time of detention, only nine, whose names, as declared by them respectively, are given in the annexed list. Joao Rodriguez, the Master, declared that the '*Opposiçao*' was from St. Paul de Loando, bound to Havana. Upon a strict examination of the vessel's hold, she was found to betray such evident indication of having very recently discharged a cargo of negroes, that I have considered it my duty to send her for trial, as a vessel engaged in the illicit traffic in slaves."

The "*Opposiçao*" was shortly afterwards withdrawn from the Court in which she was at first libelled, and a petition from the captor's proctor prayed, that an affidavit of the Prize Officer, authenticating the papers and verifying the facts of seizure, might be received and filed in the British and Spanish Mixed Court of Justice; that a monition might issue, returnable into the registry of that Court; that the evidence taken before the British and Portuguese Court of Mixed Com-

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mission might be admitted on behalf of the captor, as evidence in the new prosecution; and that a commission of survey and inspection might be issued to the surveyors of the Court, for the purpose of ascertaining the nature of the outfit and equipment of the detained vessel.

The affidavit of the Prize Officer is as follows:—

"In the British and Spanish Mixed Court of Justice, Colony of Sierra Leone.

"Our Sovereign Lady the Queen against the schooner '*Opposiçao,*' Joao Rodriguez, Master, her tackle, apparel, and furniture, the goods, wares, merchandize, and stores on board the same, taken by Her Majesty's sloop-of-war 'Pearl,' Lord Clarence Edward Paget, Commander, and brought to Sierra Leone.

"Appeared personally Donald McLeod Mackenzie, Mate of Her Majesty's sloop-of-war 'Pearl,' Lord Edward Clarence Paget, Commander, duly authorized and empowered, according to the provisions of the Treaty between His late Britannic Majesty and the Queen Regent of Spain, signed at Madrid on the 28th of June, 1835, to make seizures of vessels belonging to the subjects of Spain engaged in the Slave Trade; and the said Donald McLeod Mackenzie, being duly sworn, maketh oath, that on the 25th day of April last, being in latitude 23° 55′ North, and longitude 84° 47′ West, the said Lord Clarence Edward Paget seized and detained the schooner or vessel called '*Opposiçao,*' whereof Joao Rodriguez was Master, by reason that the said schooner was employed in and equipped for the Slave Trade, contrary to the said Treaty; and the deponent further maketh oath, that the papers, writings, and documents hereunto annexed, marked from No. 1 to 5 inclusive, were given to this deponent by the said Captain Paget, who received the same from the boarding officer, to whom they had been delivered by the master of said schooner; and that the same are now brought and delivered up, in the same plight and condition as when so received by this deponent, without any fraud, addition, subduction, alteration, or embezzlement whatever, save the numbering and marking thereof.

(Signed) "DONALD M. MACKENZIE."

"On the 9th day of August, 1838, the said Donald McLeod Mackenzie was duly sworn to the truth of this affidavit.

"Before me,

(Signed) "M. L. MELVILLE, *Registrar.*"

"*Schedule of Papers.*

"No. 1. Passport.
2. Muster-roll.
3. Clearance of Havana.
4. Bill of Sale.
5. Log Book."

From the report of the Surveyors as to the equipment of the "*Opposiçao,*" we found, that there were on board, hatches with open gratings, and grated scuttles, evidently intended for giving air to slaves; a large quantity of planks, also beams, and clamps fitted for beams, sufficient for a slave deck; six shackles, and a long bolt; a large number of leaguers, capable of containing between nine and ten thousand gallons of water; twenty-five large mess tins, a large quantity of mess pannikins, and other tin vessels of different sizes, three boilers of an unusual size, and distinct from the cabouse, which is fitted for four boilers, and capable of cooking for three hundred people.

From the examinations taken in the case, the following summary is made:—Joao Rodriguez, the Master of the "*Opposiçao,*" deposed "that he was born in Lisbon, and has always lived there; that he has never served any State but Portugal; that he appointed himself to the command of the vessel (being part owner of her) about ten months since, at Havana; that possession of the vessel was given to him there and then by Felipe Rodriguez, the former Master, a Spaniard, from whom witness purchased the vessel; that he does not know where the said Felipe Rodriguez resides, for though of the same name, he is not related to witness; that witness first saw the vessel at Havana about ten months ago; that she is Spanish built; that he was present at the time of seizure; that the vessel was, at the time, sailing under

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Portuguese colours, and had no others; that the vessel is one hundred and sixty tons burthen, and had originally a crew of about seventeen officers and mariners, all hired and shipped at Havana by witness, nine months since; that there was no cargo on board at the time of capture; that witness has a half share in the vessel; that no other person of the officers or mariners had any interest in the vessel or cargo; that the voyage began, and was to have ended, at Havana; that Havana was the last and only clearing port; that the vessel cleared at Havana for St. Paul de Loando, but went into the Rio Congo, where his people falling sick, he was detained for two months and eight days, and having endeavoured to trade with the natives for palm oil and ivory, had his factory plundered of all his goods; and several of his people having died, he judged it better to return to Havana; that the capturing vessel was first seen off Cape St. Antonio, Island of Cuba, about 6 A. M. of the 25th of April last; that witness' vessel was steering for Havana at the time; that witness is himself half owner of the vessel, and Jozé Morales, a Brazilian by birth and allegiance, is the proprietor of the other half; that Morales has always resided at Bahia, where he keeps a wine and rum store; that a bill of sale was made at Havana in September last by Felipe Rodriguez to witness' father, Francisco Cardozo Rodriguez, a Portuguese, and to the before-named Morales; that witness was not present when the bill of sale was executed, and does not know the names of the subscribing witnesses, or who were the former owners, or whether Felipe Rodriguez was the owner or not, or what was the exact price of the vessel; that witness believes that the price was about 6500 dollars, all paid in cash at the time; that the cargo shipped at the Havana was the joint property of witness and Morales; that there is no cargo on board at present; that no slaves were taken on board during any part of the voyage; that, after capture, the vessel was taken first to Havana, thence to Bermuda, and from that place to Sierra Leone; that the papers found on board were and are all true and fair; that the vessel was under witness's management with regard to her trade; that witness corresponds with his partner Morales in regard to her concerns."

Antonio Munhos, the boatswain of the "*Opposiçao*," deposed "that himself, the first and second mates, and two seamen, were Spaniards; that the rest of the crew were Portuguese, but all hired and shipped in Havana." In all other respects this witness corroborated the Master's testimony.

Publication of the above evidence having been decreed, and a day of trial prayed for, the case was finally adjudicated on the 13th instant.

The equipment of the "*Opposiçao*" for the Slave Trade having been clearly proved, it only remained to consider, whether or not she could be considered as a Spanish vessel.

"That the national character of a merchant is to be taken from the place of his residence, and of his mercantile establishment, and not from the place of his birth," was declared by Her Majesty's Government to be "an established rule of the law of nations."—See Class A, 1834, p. 147.

Guided by this principle, the court decided, in the present case, that the owner of the "*Opposiçao*" must be deemed a Spanish merchant, with respect at least to the particular adventure, in the prosecution of which that vessel was detained; that the trade in which the *Opposiçao*" was employed was, from the beginning to the end of her voyage, essentially Spanish, conducted in a great measure by Spanish officers, and the returns made to the same Spanish port, from which the outward cargo was shipped.

Whether we refer to the official papers with which the "*Opposiçao*" cleared out from Havana, or to the evidence of the Master, Joao Rodriguez, we meet with abundant reasons for considering the "*Opposiçao*" as a Spanish vessel.

An endorsement on the Portuguese passport, received by the original owner from the Governor-General of Angola on the 4th of May, 1834, is made by the Portuguese Consul at Havana, on the 27th of September last, certifying that the present master was on that day appointed to command the "*Opposiçao*," by Manoel Cardozo, who had, by purchase, become the owner of the schooner a few days before. On the 20th of the same month, the bill of sale, certified by the same Portuguese Consul, declares that the before-named Cardozo, the purchaser of the detained vessel, was "*a merchant resident at the Havana.*" The Master swears "that all the papers of the vessel were and are true and fair."

Applying then to these circumstances the rule laid down for our guidance by His Majesty's Government, (Class B, 1835, p. 75,) the Court was of opinion, "that the owner of the ("*Opposiçao,*") by his residence and employment in

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(*Havana*,) has, for commercial purposes, divested himself of his original national character, and that he has become a (Spaniard) in all matters appertaining to commerce, and has made himself amenable to the same tribunals, to which he would have been amenable, if he had been a natural-born subject of (Spain); the aforesaid owner having, by his own act, become a (Spanish) subject, must be presumed to have given a tacit assent to the commercial regulations of (Spain), whether founded upon Treaties or otherwise, and cannot be allowed to claim any privileges or exemptions, beyond those to which natural-born subjects of (Spain) are entitled."

It was accordingly decided by the Court, that the "*Opposiçao*" was brought, as a Spanish vessel, within the operation of the Spanish Treaty; that unquestionable proof had been afforded of her being, at the time of her seizure, equipped in a manner prohibited by the 10th Article of the Treaty of the 28th of June, 1835; and that the said schooner, her cargo and furniture, be condemned as good prize to the Crowns of Great Britain and Spain.

It may here be asked, why the Captor should have been allowed, in this instance alone, to prosecute the "*Opposiçao*" as Spanish, when almost every vessel, which has lately come before the British and Portuguese Court of Mixed Commission, might with equal reason be considered to possess a Spanish character? We reply, that it is entirely optional with the Captor to prosecute his prize, either in her real or assumed character. If, under the character which she has fraudulently assumed, condemnation is certain, the Captor is not obliged to go out of his way to prove the perjury of his own witnesses, and to seek for new, and perhaps doubtful, sources of accusation, when ample grounds of condemnation already exist in the admissions of the party accused. In the case of the "*Fortuna*," (1 Dodson, p. 87,) Sir William Scott observes:—"The opinion of the Court respecting the effect of flag and pass is this—that the party who takes the benefit of them *is himself bound by them*; he is not at liberty, when they happen to turn to his disadvantage, to turn round and deny the character which he has worn for his own benefit, and upon the credit of his own oaths and solemn declarations; but *they do not bind other parties as against him*; other parties are at liberty at show that these are spurious credentials, assumed for the purpose of disguising the real character of the vessel." So also do we consider, that when a slave vessel is captured under such circumstances as would lead to her condemnation, whether prosecuted in the Portuguese or the Spanish Mixed Court, it is competent for the Captor and for the Court to receive her in the character which she by her papers professes to bear, and to save themselves the trouble of proving the falsehood of her pretensions.

(Signed) H. W. MACAULAY.
R. DOHERTY.

Sierra Leone, August 15, 1838.

No. 7.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, February* 16*th*, 1839.

I HEREWITH send to you, for your information, copies of two Despatches from Her Majesty's Commissioners at the Havana, containing reports of the arrivals of slave-vessels at the Havana, and of the departure of slave-vessels from that port, during the months of October and November, 1838.

I am, &c.

(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c.

First Enclosure in No. 7.

Havana Commissioners, November 23, 1838.

(See First Series, Class A., No. 94, p. 133.)

Second Enclosure in No. 7.

Havana Commissioners, December 24, 1838.

(See No. 38, page 101)

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No. 8.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, February 23rd*, 1839.

I HEREWITH send to you, for your information, a copy of a Despatch from Her Majesty's Commissioners at the Havana, containing a report of the arrivals of slave-vessels at the Havana, and of the departure of slave-vessels from that port, during the month of December, 1838.

I am, &c.

(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c.

Enclosure in No. 8.

Havana Commissioners, January 17, 1839.

(See No. 42, page 108.)

No. 9.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, February 23rd*, 1839.

I HEREWITH transmit to you, for your information, a copy of a Despatch, and of its enclosures, which I have received from Her Majesty's Commissioners at the Havana, containing a report of the state of the Slave Trade in Cuba, during the year 1838.

I am, &c.

(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c.

Enclosure in No. 9.

Havana Commissioners, January 1, 1839.

(See No. 41, page 103.)

No. 10.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received April* 1, 1839.)

MY LORD, *Sierra Leone, October 20th*, 1838.

WE have the honour to enclose herein to your Lordship our Report of the case of the brig "*Diligente*," Miguel Sierra, master, condemned on the 12th instant, in the British and Spanish Mixed Court of Justice, for being equipped for the illegal traffic in slaves; also, Copy of the Judgment which was pronounced by the Court on that occasion.

The "*Diligente*" was captured by Her Majesty's brig "Brisk," whilst under Portuguese colours, and furnished with Portuguese papers from the Portuguese Consul-General at Cadiz, who, in this instance, seems to have been at no pains to conceal the disgraceful part, which he took in protecting a slave-trading adventure, in violation of the laws of his own country, and of that in which he was an accredited Agent.

The "*Diligente*" was condemned at Sierra Leone on the 2nd of March, 1837, and was subsequently purchased at this place by Miguel Bertinote, who carried her in the first instance to Havana, and afterwards to Old Spain, where he arrived at the latter end of the same year. At Cadiz a pretended transfer of the vessel was effected, and a Bill of Sale was made by Bertinote to the agent of Francisco Cardozo de Mello, of the Cape de Verd Islands. The "*Diligente*" then left Spain for the Coast of Africa, fitted in every respect for the Slave Trade, and with Bertinote still on board.

The Bill of Sale is dated on the 2nd of January, 1837, and the Passport and Muster-roll of the crew on the 5th of the same month. These papers *were prepared in the Office* of the Consul-General Machado, and are attested by his seal

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and signature; but all the witnesses examined in the case were compelled to admit their falsehood. The Captain and Mate declare, that they did not join the vessel until eighteen months after the date of the Matricula, in which their names are inserted; and Bertinote declares (what indeed is within our own knowledge) that he did not purchase the vessel at Sierra Leone, for some months after he is stated to have sold her at Cadiz. The object of ante-dating these papers on the 2nd and 5th of January, 1837, was evidently to escape from the operation of the Portuguese Commercial Decree, which took effect a few days afterwards. But Machado has himself furnished sufficient evidence of the fraud which he committed; for the Manifest signed by the Captain, Sierra, and to which the seal and signature of the Consul are likewise attached, is dated by him in June, 1838; and he thus overlooked the absurdity of declaring, as he does in effect, that a crew of 38 men were hired and shipped at Cadiz, 18 months before the vessel sailed from that Port.

It was urged in argument for the claimant, and Bertinote strongly pressed this view of the matter, that the mistake in date was a clerical one; that the year 1837 was inserted, by a common error at the commencement of a new year, instead of the year 1838; that the Bill of Sale was actually made on the 2nd of January, 1838, and not on the "2nd of January, 1837;" and that 1838 should be read for 1837 in the Passport and Matricula. But allowing for a moment the correctness of this explanation with regard to the *year*, the insertion of the *month* of "January, 1837," for that of June, 1838, cannot be accounted for in the same way; and it is positively sworn by the captain and mate, that they were not shipped until June, 1838, six months after the date (amended as proposed) of the Consul's certificate as to the correctness of the Muster-roll in which their names appear. Whether, therefore, the Matricula is to be taken as dated in January, 1837 or January, 1838, a gross fraud was committed in either case, even on the showing of the claimants themselves.

On these grounds the Portuguese papers were set aside as fraudulent and false; and the "*Diligente*" stood before the Court in her former Spanish character, the character which it was thus clumsily attempted to cover; and the equipment for the Slave Trade brought her within reach of the Tenth Article of Treaty with Spain.

Had the Portuguese papers of the "*Diligente*" not been so glaringly irregular and untrue, we should still have looked with great suspicion on the asserted change in the national character of a vessel, on board of which the former Spanish owner and master still continued, ostensibly in the character of a passenger, but really for the purpose of directing all the proceedings of the voyage. So little, indeed, was the person who figured as master conversant with the duties of his situation, that he declared his perfect ignorance of the nature and contents of the ship's Papers and Bill of Sale, or even of the name of the owner of the outward cargo.

No documents or clearances of any description, from the Custom-house or the Spanish authorities at Cadiz, have been produced; and no bond was taken that the large quantity of water-casks on board the "*Diligente*" should be employed in lawful trade. It would appear from this and other circumstances, as if the outward cargo had been smuggled on board without entry or clearance, the only articles named in the Manifest, signed by Machado, being a few iron-pots and some water-casks for ballast; whereas, according to the ship's log, the vessel was employed 14 days in the river Gallinas "*discharging her cargo;*" and tobacco, rum, powder, &c. were found on board of her at the time of her seizure.

The case of this vessel has received our fullest and most anxious consideration; and we earnestly hope that the judgment we felt it our duty to pronounce will meet with your Lordship's approval. But before your Lordship's opinion can reach us, it may be anticipated, that the promulgation of our sentence will lead to numerous seizures under similar circumstances.

We have, &c.

(Signed) H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

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First Enclosure in No. 10.

Report of the case of the Spanish brig "Diligente," Miguel Sierra, Master.

The following papers were found on board this vessel at the time of her capture:—

1. A Passport from Manoel de Souza Machado, Portuguese Consul-General in Spain and the Canaries, resident at Cadiz, stating that the Portuguese brig called the "*Diligente*," commanded by Miguel Sierra, and owned by Francisco Cardozo de Mello, a native Portuguese, established in the Island of St. Jago, Cape Verd, was authorized to make a voyage to the said island, in order to obtain the necessary papers to enable her to sail as a Portuguese vessel. This document is signed by the Consul-General, and sealed with the consular seal at Cadiz, and is dated on the 5th of January, 1837.

2. A Manifest, with Bill of Lading attached, declaring that the cargo on board the "*Diligente*," consisted of 2000 iron-pots, and 69 water-casks of different sizes *for ballast;* that it was shipped by Don Gabriel Lopez to the order of F. C. de Mello, and was bound to Cape Verdes by way of the Gallinas. The Bill of Lading is without date, but the Manifest, which is certified by the signature of the Portuguese Consul, is dated on the 16th of June, 1838.

3. The Matricula, dated on the 5th of January, 1837, signed by the Captain, Sierra, and certified by the Portuguese Consul, declares the names and offices of 38 men, shipped as a crew at Cadiz on that date.

4. The Bill of Sale is dated at Cadiz on the 2nd of January, 1837, and is certified, like the other papers, by the Portuguese Consul-General. It declares that Miguel Bertinote, the owner of the Spanish brig "*Feroz Africano*," lying at Cadiz, sold that vessel to Francisco Cardozo de Mello, of the Cape de Verde Islands, through his empowered attorney at Cadiz, Don Gabriel Lopez, a merchant of that place.

5 and 6. There are also two Log-books, one kept in Spanish and the other in Portuguese, both concurring to show that the "*Diligente*" left Cadiz on the 30th of June last, and that she came direct to the river Gallinas, where she arrived on the 30th of July, and that, from that time, she continued discharging her outward cargo until the 12th of August; three days after which time she was captured.

From these papers it will be observed as very remarkable, that, whilst the Bill of Sale, the Provisional Passport, and the Muster-roll of crew are dated at Cadiz in January, 1837, the Manifest and Bill of Lading of the cargo, taken on board at the same place, and the Log-books of the voyage from that port to Gallinas, show that it was not until 18 months after the time pretended, that the Spanish schooner "*Feroz Africano*," took her departure for this coast, under the new name of "*Diligente*," and carrying a Portuguese flag. This fact is still more clearly established, by the admissions of the real owner of the vessel, and by the evidence which has been collected respecting her, and furnishes another proof of the shameless manner in which the Portuguese Consul-General, Machado, prostitutes his office to the protection of an illicit trade. The object to be answered in the present case by certifying that the sale of the "*Diligente*" took place on the 2nd of January, 1837, appears to have been to escape from the operation of the Portuguese Decree of the 16th of January, 1837; and so determined was Machado to lend the support of his official situation to forward this fraudulent purpose, that he altogether overlooked the absurdity of declaring, that the captain and crew of the "*Diligente*," consisting of 38 persons, were hired and shipped at Cadiz 18 months before their vessel left that port; and that all the cargo which was taken on board during that long interval, consisted only of 2000 iron-pots (a great article of trade on this coast) and 69 water-casks of different sizes *for ballast.*

The "*Diligente*" appears to have received no papers whatever from the Custom-house at Cadiz; but it is impossible to conceive that a vessel of her size and appearance could have taken on board so large a number of water-casks, and such a complete and extensive slave-trading equipment, as she brought out to the coast, without the knowledge and connivance both of the Spanish authorities and of the Consular Agent of Portugal. And it is not to be wondered at, that protection should be openly afforded to contraband Slave Trade in Cuba, when such a disgraceful example is held out by the mother-country.

It will be observed from Paper No. 4, that the "*Diligente*" was formerly the Spanish schooner "*Feroz Africano*," and was ostensibly sold by her former owner

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and master, Miguel Bertinote, to Don Gabriel Lopez, "*a merchant resident at Cadiz,*" and the professed agent of Francisco Cardozo de Mello, of St. Jago de Praia. But passing by the purchaser at Cadiz,—who, it is to be hoped, will not go unpunished,—we will briefly state what we know of the "*Diligente,*" and of the former character and pursuits of Bertinote.

The Portuguese brig "*Paquete de Cabo Verde*" was condemned at this place on the 2nd of March, 1837, and reported Class A. 1837, page 46. The former history of the vessel up to that date is related in the report referred to, and shows that although Francisco Cardozo de Mello had been put forward as owner, she was really the property of the slave-trading firm of Pedro Martinez and Company, of Havana. After condemnation, the "*Paquete de Cabo Verde*" was purchased by Mr. Lake, a merchant of this colony, and was subsequently sold by him to Miguel Bertinote. She was then cleared out for Havana under the same name, but under Spanish colours, and left this place for her destination on the 6th of April, 1837, arriving at Havana on the 15th of the following month. From Havana she was carried by Bertinote to Old Spain, and was navigated as a Spanish vessel, under the name of "*Feroz Africano,*" until her pretended transfer at Cadiz to her former nominal owner, De Mello.

Miguel Bertinote has frequently been before the Courts. His name appears in the Muster-roll of the Spanish brigantine "*Christina,*" condemned in the year 1829. He was also Master of the Spanish brigantine "*Clemente,*" reported Class A. 1835, page 27, and which was condemned on the 29th of November, 1834. For about six months after that date Bertinote remained in this colony as the agent of Pedro Blanco, of the Gallinas; and on the 20th of June, 1835, he cleared out for the Cape de Verde Islands, in the Spanish brigantine "*El Manuel,*" which he had purchased at this place. At Porto Praia, in the Island of St. Jago, Bertinote purchased Portuguese papers for his vessel, which he thenceforward called "*Vigilante,*" and at the same time changed his own name to Manoel de Barros. The capture of the "*Vigilante*" brought him again before us; and in spite of the documentary proof found on board his vessel, of his being no other person than Miguel Bertinote, and although, from his previous long residence here, he was well known to every merchant in the colony, and to every person connected with the Courts, he had the impudence to swear that "his name was Manoel de Barros; that he was born in Algarve, in Portugal; has lived at St. Jago, Cape Verdes, for the last two years, and is not married; and that he had never served any state but Portugal." In the face of this solemn deposition he immediately afterwards resumed his true name of Miguel Bertinote, and as such purchased the Portuguese brig "*Paquete de Cabo Verde,*" and entered her outwards for Havana as a Spanish vessel, under the command of himself as a Spanish subject. His consequent connexion with this vessel has been already mentioned; and even after she became the Portuguese brig "*Diligente,*" he has still continued with her, having taken out a passport at Cadiz, as a passenger bound to the Gallinas and Havana, although the ship's papers named the Cape de Verde Islands as her destination.

With a slave-trading character thus strongly stamped on the "*Diligente*" by her former employment, she was met with in the Gallinas on the 15th of August by Her Majesty's brig "Brisk," Lieutenant Arthur Kellett commanding, and detained "for being engaged in, and equipped for, the Slave Trade." The arrival of the vessel off the harbour was reported by the Marshal on the 23rd of August, and on the 24th a prosecution was commenced against her in the British and Spanish Mixed Court of Justice. It is evident, that the Captor could only obtain the condemnation of his prize, taken as she was without any slaves on board, by setting aside the Portuguese character which the "*Diligente*" claimed to belong to her, and by fixing upon her some other national character, which would enable him to urge her confiscation on the ground of equipment for the Slave Trade. The sentence given by the Commissioners in the late case of the "*Oppesiçao*" was evidently that on which the Captor rested his hopes of success. In that case, however, the residence of the asserted Portuguese owner was declared, both in the evidence and in the ship's papers, to be at Havana; and it was not necessary to the acceptance and condemnation of the "*Oppesiçao,*" as a Spanish vessel, to deny the correctness of her documents, or to disprove the testimony of the claimant. She was captured with slaving equipment on board; her owner confessedly resided at Havana; she was avowedly engaged in Spanish trade; and, applying to these facts the principle, "that the national character of a merchant is to be taken from the place of his residence and of his mercantile establishment, and not from the place

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of his birth," we condemned the "*Opposiçao*" as a Spanish vessel for a violation of Spanish law. In the case of the "*Diligente*," on the contrary, the papers proclaimed the owner to be a resident merchant of the Cape de Verde Islands, and the voyage to be intended to end at the same place. It was therefore incumbent on the Captor to prove the falsehood of these averments, and to show that the ownership and employment of the vessel were really Spanish.

On the 24th of August the declaration of the Captor, and his affidavit, authenticating the "*Diligente's*" papers, were received and filed; the usual monition was published; the witnesses in preparatory were ordered to be produced for examination; and a commission was issued to the Surveyors of the Court, to inspect and report upon the nature of the outfit and equipment of the detained vessel, particularly with regard to the Tenth Article of the Spanish Treaty.

Miguel Sierra, the Master, deposed "That he was born at Coimbra, in Portugal; has lived at Cadiz for the last fifteen years; is a subject of Portugal, and has never served any other state; that he was appointed to the command of the detained vessel, and possession of her was given to him, at Cadiz, in June last, by Gabriel Lopez, a resident of that city, and, witness believes, a Portuguese subject; that he first saw the vessel there and then, and does not know where she was built; that he was present at the time of capture; that the vessel was sailing under Portuguese colours at the time, and had no others; that the vessel has never borne any other name than "*Diligente*," to witness's knowledge; that she is about 200 tons burthen, and had a crew of thirty-four or thirty-five men, all hired and shipped at Cadiz before witness joined the vessel; that neither he nor any of the officers and mariners had any interest in the vessel or her cargo; that he was Master on board; that there was one passenger, Miguel Bertinote by name, a Spaniard, a seaman by profession, who had a passport from Cadiz, but witness does not know on what business he came to the coast; that the said Bertinote had no authority on board, or interest in the vessel or cargo; that the last clearing port was Cadiz, where the present voyage, which was to end at Cape Verdes, commenced; that the vessel proceeded direct from Cadiz to Gallinas; that the capturing vessel was first seen in the river Gallinas on the 15th of August, and capture took place there and then, the vessel being at anchor; that the owner of the vessel is Don Francisco Cardozo de Mello, a Portuguese by birth and allegiance, and a resident of St. Jago, Cape Verdes; that witness does not know whether there was any bill of sale to the aforesaid owner; that he has never seen such a document; that he does not know to whom the cargo belongs; that he was instructed by Lopez, the consignee of the vessel at Cadiz, to dispose of the cargo at Gallinas, and then to take the vessel to St. Jago, and deliver her up to De Mello; that witness believes the cargo, if restored, will belong either to Lopez or De Mello, but he does not know to which of them; that he knows nothing of the former voyage of the vessel; that the cargo shipped on the present voyage was staves (in shakes), iron pots, and rice; that the cargo now on board consists of tobacco, rum, and powder, procured at Gallinas in barter for the cargo brought from Cadiz; that the papers found on board the vessel were and are all true and fair; that no slave has been put or received on board at any time during the present voyage, for the purpose of the traffic in slaves; that there are thirty-five or thirty-six pieces of plank of different lengths and thickness on board, not numbered or fitted to any part of the vessel, but intended for necessary repairs; that there are six or seven shackles on board, but they are intended for the anchor and rigging chains, and for no other purpose; that there are nine pipes and fourteen barrels on board, but not capable of containing more water than would be requisite for the crew for three months; that the pipes were filled with fresh water, the barrels with salt water."

Francisco Sierra, Mate of the detained vessel, and brother of the former witness, was also examined on the same day. He deposed "That he first saw the "*Diligente*" at Cadiz in June last; that the crew of the vessel consisted of thirty-six officers and mariners, exclusive of the Master, who were all hired and shipped at Cadiz, and were all on board when witness joined the vessel in June last; that the vessel was fourteen days discharging her cargo at Gallinas before she was captured; that he knows nothing of any bill of sale, or the price of the said vessel."

In the report made by the Surveyors respecting the "*Diligente's*" equipment, they state—"We found the hatches close, but there is an addition to the main-hatchway, both at the fore and after part, which is evidently intended to be taken up as occasion might require, that part being more new, and the curlings intended apparently to unship. We found a large quantity of planks (about 1500 feet),

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and beams, secreted under the sand by the kelson, also a new beam, nailed on the fore bulk-head in addition to the old one, and corresponding with a strong beam abaft it, the ship's sides being regularly marked for receiving beams. We found sundry pieces of short wood notched, and apparently intended for cleats for laying the slave-deck. We found two double bolts and shackles. We found between 2000 and 3000 gallons of water on board; also 7 large leaguers and 27 hogsheads, capable of containing about 3000 gallons, a much greater quantity than requisite for a merchant vessel of her class. We found 35 mess kids or buckets, also a quantity of wooden spoons and dishes, evidently intended for the use of slaves. We found the coppers of a very unusual size, and we consider them sufficiently large to provide food for at least 900 people. We found a large quantity of rice, beans, calavances, and farina, also an immoderate quantity of salt provisions secreted under the sand."

The monition issued on the 24th was returned on the 31st of August, bearing the certificate of the Marshal that it had been duly served; and on the same day a petition, for the admission of a claim, which had been granted on the 29th, was filed in the Registry.

The claim of Miguel Sierra, the Master of the "*Diligente*," was in the usual form; and was supported by an affidavit, in which both vessel and cargo are sworn to be the sole property of Francisco Cardozo de Mello.

The examination of witnesses on interrogatories prepared by the claimant's Proctor elicited no new facts of any importance. Miguel Bertinote, the passenger, deposed, "that he was present when the Portuguese Consul-General at Cadiz signed the bill of sale amongst the ship's papers; that he imagines the year "1837" has been inserted in the bill of sale through the mistake of the clerk who wrote it; that the brig "*Feroz Africano*" was much in want of repair when she arrived at Cadiz, and witness sold her there, because he did not choose to be at the expense of repairing her."

The evidence obtained by the Captor's Proctor from the Master and Mate of the "*Diligente*," and from Bertinote the passenger, was of more importance; but owing to the protracted illness of the last-named witness, his examination could not be taken until the 28th ultimo.

The Master deposed, "That his reason for believing Don Francisco Cardozo de Mello to be the owner of the vessel was, his having been so informed by Don Gabriel Lopez, the consignee at Cadiz; that his reason for stating, in his first examination, that he did not know who was the owner of the cargo, and for having afterwards stated in his claim, that De Mello was the sole owner of both vessel and cargo, was because, on further consideration, he had come to this conclusion; that he cannot account for the vessel's papers being dated in January 1837, as he did not join her until the month of June, 1838, six days before her sailing from Cadiz; that witness received no paper or clearance from the Spanish authorities at Cadiz; that no bond was taken or required from witness at Cadiz, either by the Spanish Custom-house or by the Portuguese Consul, that the leaguers shipped on board should be employed in lawful trade; that the signature "Miguel Sierra" to the Muster-roll No. 3 is in witness's handwriting, and was affixed by witness three or four days before he sailed from Cadiz in June last; that witness supposes the date, "5th of January, 1837," must be a mistake, but witness did not observe at the time he signed the paper that it was dated incorrectly; that witness did not keep, and therefore cannot produce, any accounts whatever of the disposal of the outward cargo of iron pots in barter for the tobacco, rum, &c., now on board; that he did not consider those goods of sufficient importance to require accounts; but he holds himself responsible to Francisco Cardozo de Mello for his mercantile transactions."

The Mate, Francisco Sierra, deposed, "That he was on board the "*Diligente*" only three days before she sailed from Cadiz in June last; that the reason why the Log-books Nos. 5 and 6 mention the *discharging* of the outward cargo at the Gallinas, and not the shipment of the goods now on board, was owing to bad weather, which rendered it difficult to take a particular account of the articles received; that witness does not know from what person in Gallinas the goods now on board were received."

Miguel Bertinote, who was throughout a most unwilling witness, deposed, "That he was born in Cadiz, and lives there; that he resides sometimes at Havana; that he is a subject of Spain, and never served any other State; that he left Sierra Leone in April, 1837, in a vessel of his own, called the "*Paquete de Cabo Verde*," under Spanish colours, bound to Havana; that the said vessel arrived at Havana in the middle of May, 1837, and afterwards went on a trading voyage to different

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ports in Spain; that the seller's signature attached to the bill of sale of the "*Diligente*" is in his own writing; that the "*Paquete de Cabo Verde*," the "*Feroz Africano*," and the "*Diligente*," are one and the same vessel, which was sold by witness to Don Gabriel Lopez at Cadiz, about the 2nd or 3rd of January, 1838; that the name of "*Feroz Africano*" was given to the brig when she exchanged her English papers for Spanish ones at Havana; that the said vessel had no other name or names between May, 1837 and January, 1838; that although his passport from Cadiz was for Gallinas and Havana, it was not intended that the vessel in which he took his passage should go to Havana after leaving the Gallinas."

When these examinations had been concluded, a joint petition from the Proctors of the Captor and Claimant prayed a day of trial, which was fixed for the 4th instant, and then, by adjournment, for the 12th instant, on which latter day the judgment of the Court was pronounced on the case at great length. A copy of the judgment being annexed, it will not be necessary here to repeat all the grounds on which a sentence of condemnation was founded. The Portuguese papers of the vessel were set aside, on account of their evident and admitted falsehood; her former Spanish character consequently reverted; and her equipment for the Slave Trade brought her within the reach of the Tenth Article of the Spanish Treaty. The "*Diligente*" was accordingly condemned, as good and lawful prize to the Crowns of Great Britain and Spain.

H. W. MACAULAY.
R. DOHERTY.

Sierra Leone, October 12th, 1838.

Second Enclosure in No. 10.

Judgment given in the case of the Spanish brig "Diligente," *Miguel Sierra, Master.*

In the present case, and in two other corresponding cases, the Court has been called upon by the Proctor for the Captors to affirm the principle, "that the national character of a merchant is to be taken from the place of his residence, and of his mercantile establishment, and not from the place of his birth."

That principle was first brought prominently under the notice of Her Majesty's Commissioners on the 10th of November 1834 (Class A 1834, page 56 and page 147); and it was acted upon by the British and Brazilian Court of Mixed Commission, in the "*Incomprehensivel*," (Class A 1837, 1st Series page 74), and by the British and Spanish Mixed Court of Justice, in the late instance of the "*Opposiçao*."

The present case may, therefore, be looked upon as concluded by previous decisions. It is however due, as an act of courtesy, to Claimants, who have now for the first time had an opportunity of contesting the justice of those decisions, particularly with regard to Spanish vessels; and it is due to the diligence and ability displayed by the Captor's Proctor, in maintaining the cause of his clients, that we should examine the question more closely than has been hitherto done.

It is unnecessary, as it would be puerile at this time of day, to quote on such a subject the opinions of Grotius, Puffendorf, and Vattel, the most modern of whom wrote at a time when the commerce of European states was yet in comparative infancy, and when the commerce of America, now so extensive, can scarcely be said to have had an existence. It is sufficient, therefore, to remark, that the authority of these writers, as far as it goes, is, if not directly confirmatory of, certainly not opposed to, the now generally received interpretation of the law of nations, with respect to domicile and national character.

From these earlier authors we turn with pleasure to the judgments delivered in the High Court of Admiralty by Sir William Scott; judgments extending over more than a quarter of a century, embracing a most eventful period of naval warfare, and by which the maritime law of nations, formerly so doubtful and inconsistent, has been moulded into a just and harmonious system.

It has been urged by the claimant's proctor, that it is unfair in the opposing counsel to apply to seizures, made under a Treaty in time of peace, rules and precedents drawn from the proceedings of Her Majesty's ships, and of commissioned cruizers, in time of war. We are far from being of the same opinion. The right to search and detain the merchant vessels of a friendly Power, which, in time of war, belongs to a belligerent by the law of nations, has been granted by Portugal and Spain, in solemn treaties, in time of peace. And the analogy is so strong be-

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tween the case of the neutral vessel captured during war, on suspicion of enemy's interests being concerned in the ship or cargo; and the case of a vessel, [illegible] Portuguese, detained under the Slave Trade Treaty with Spain, on the ground that she is really the property of Spaniards, and employed in carrying on their trade; that we think a justification is hardly required, for applying the same principle to circumstances so nearly similar. In both cases a flag and pass are fraudulently assumed to conceal the real character of a trade which, if discovered, would lead to the confiscation of the property embarked in it; the same arts are resorted to in both cases; nominal transfers are effected; men of straw are substituted for real owners; false instructions and false log-books are manufactured; false muster-rolls and bills of sale are presented and sworn to as true; and the acuteness of counsel, and the impartial judgment of a Court, are equally required to detect the latent fraud.

It will not, we are sure, be considered necessary by the legal gentlemen, that we should point out all the cases (too numerous to mention) in which our Maritime Courts have recognized the principle, "that the national character of a merchant is to be taken from the place of his residence, and of his mercantile establishment." We shall therefore content ourselves with quoting two or three, out of the many strong passages in which that principle is broadly maintained.

In the case of the "*Indian Chief*," 3, Robinson, p. 18, Sir William Scott says: "No position is more established than this, that if a person goes into another country, and engages in trade, and resides there, he is, by the law of nations, to be considered as a merchant of that country."

In the case of the "*Matchless*," 1. Haggard, p. 103, the same learned and excellent judge, then Lord Stowell, remarks: "It has been laid down by accredited writers on general law, and upon grounds apparently not unreasonable, that if a merchant expatriates himself as a merchant, to carry on the trade of another country, exporting its produce, paying its taxes, employing its people, and expending his spirit, his industry, and his capital in its service, he is to be deemed a merchant of that country."

In the case of the "*Nancy*," tried in the Vice-Admiralty Court at Halifax, where a similar judgment was given, in regard to the national character of the claimant, Dr. Croke, the Learned Judge of that Court, stated (see Stewart's Reports, p. 62), "If a British-born subject resides, and carries on his traffic, in a foreign country, the British Empire derives no benefit whatever from his capital, his labour, and his industry. The profits all flow to the country of his domicile. The mere place of his birth is perfectly immaterial. Every benefit which a country derives from a man, as a subject, depends upon the place of his residence."

Such is the general rule with regard to mercantile residence, and its effect on national character. The rule, however, has been modified and restricted in some respects, and, in some respects it has even been extended; and we shall now proceed to notice one, and that the principal, circumstance, by which the effect of mere residence is qualified and restrained, leaving other minor circumstances and points of distinction to be considered, as they present themselves, in each particular case.

It is to be observed, then, that the national character may be determined by the *intention* with which a residence is taken up and continued. For instance, residence may be occasioned by a design of engaging in the trade of the country; or it may be encountered, for the purpose of removing property from it, and of putting an end to all connection with it; thus, an Englishman, to whom the share of a partner in a mercantile house in America has been left by will, might visit that country, with the sole object of removing the property of which he had become possessed. In the former case, a national character would be acquired by voluntary residence, but not in the latter case, where residence has been taken up only for a special and temporary purpose. In all such cases, however, the claimant is bound to show that there was a real *animus revertendi* on his part (See 1 Robinson, p. 103). The claimant "must explain the circumstances of his residence; the presumption arising from his residence is, that he is there *animo manendi*: it lies on him to explain it."

It is further necessary that the claimant should bring, in aid of his asserted intention of removing, some proof that he had actually taken measures to withdraw himself, and that some overt act with that object had been performed (see 5 Robinson, p. 280). "A mere intention to remove has never been held sufficient without some overt act. Something more than a mere verbal declaration, some solid fact, showing that the party is in the act of withdrawing, has always been held necessary in such cases."

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It will not be difficult to prove, by a reference to numerous authorities, the effect which intention, thus ascertained and established, has always been allowed to have in determining national character; but, as before, we will quote only two or three strong cases which immediately occur to us, in support of this view of the subject.

In the case of the "*Diana*" (5 Robinson, p. 60—67), the property of two descriptions of persons was adjudicated by the Court; the property of those, in whose favour an intention of removing was established, being restored, whilst a sentence of condemnation was passed on the property of those by whom no such intention was manifested.

In the case of the "*Boedes Lust*" (5 Robinson, p. 247), Sir William Scott says:—"In the case of Mr. Whitehead, who had but just set his foot in the colony of an enemy for a few hours, but was proved to have gone there for the purpose of settling, his property was condemned, although, at the time of adjudication, he had again become a British subject, by the surrender of the enemy's colony to the British forces." The inference drawn from this decision by Sir William Scott himself, will be found in the case of the "*Diana*" (5 Robinson, p. 60), where it is laid down that short duration of residence, "mere recency of establishment, would not avail, if the intention of making a permanent residence was fully fixed upon the party."

In the case of "*Les Trois Frères*" (Stewart's Reports, p. 1), a Frenchman, who had been settled in America, was returning to France, but, having spoken an American brig, and been informed that war had been proclaimed between England and France, he altered his course, and, in the act of returning to America, was captured by a British cruizer. It was satisfactorily proved that the claimant had totally abandoned his intention of returning to France; and the decision of the Court respecting the national character of the claimant, that is, whether he was to be deemed an American or a Frenchman, was made to rest solely on the establishment of this fact; the Judge declaring (see page 8) that it was altogether "a question of intention."

We have been able to meet with one, and only one qualification, to diminish in any degree the powerful effect of a *bonâ fide* intention and purpose, in determining national character. In the case of the "*Harmony*," 2 Robinson, page 324, it is laid down by Sir William Scott, that the rule, "that a special purpose shall not fix a domicil, is not to be taken in an unqualified latitude, and without some respect had to *the time* which such a purpose may or shall occupy; for if the purpose be of a nature that may probably, or does actually, detain the person for a great length of time, I cannot but think a general residence might grow upon the special purpose. A special purpose may lead a man to a country, where it shall detain him the whole of his life. A man comes here to follow a law-suit; it may happen that it may last as long as himself. Some suits are famous in our judicial histories for having even outlived generations of suitors. I cannot but think that, against such a long residence, the plea of an original special purpose could not be averred. There is a time which will estop such a plea; no rule can fix the time *à priori*; but such a time there must be."

But even here, where the extreme case is supposed of an intention or special purpose being entertained, which requires a residence in a foreign country, during the ordinary period of a man's life, to procure its accomplishment, the obligation of the general rule can hardly be said to be impaired by such a doubtful and indefinite qualification as this: "There *is* a time which will estop a plea of special purpose. *No* rule can fix the time *à priori*; but such a time there *must* be."

For all practical purposes, then, it may be acknowledged, as an established rule of the law of nations, that the national character of a merchant is to be taken from the place of his residence; and that wherever an exemption from this rule is claimed, on the ground that residence has been taken up for temporary purposes, and with an intention of early and final removal, it lies on the claimant to prove the truth of his assertion.

It has been attempted by the Proctors to introduce a new qualification of this general rule. Our attention has been directed to Class A, Second Series, 1837, pages 33 and 93, and to Class B, Second Series, 1837, page 36, and more particularly to the following passage in a Despatch, addressed by Lord Palmerston to Her Majesty's Commissioners at Rio de Janeiro on the 30th of April last: "I have now to instruct you, that vessels owned by Brazilian subjects, or by Portuguese subjects resident in Brazil, and which shall be found carrying slaves for sale from Africa to Brazil, may, notwithstanding that they are

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sailing under the Portuguese flag, be properly brought before the Court of which you are members, and may be condemned by that Court under the Treaty of the 23rd of November, 1826, between Great Britain and Brazil, for the suppression of the slave trade; *unless* such vessels shall have been built in a port belonging to the dominions of Portugal, or shall have borne the flag of Portugal, and no other, before the issue of the Decree of the 16th January, 1837; or unless they shall be steam-boats purchased within three years of the date of the Decree, and belonging to Portuguese subjects, and navigated according to the laws of Portugal."

Referring to these instructions, the Captor's Proctor has argued, that no vessel can be admitted by this Court to possess a Portuguese national character, which shall have borne any other flag than that of Portugal previous to the 16th of January, 1837.

Another argument, not quite so favourable to Captors, has been drawn from the same source by the Claimant's Proctor. It is that no vessel engaged in Spanish Slave Trade can be condemned as a Spanish vessel, if she have borne the flag of Portugal, and no other, from the date of her construction in a Portuguese port.

Consequences the most disastrous might arise to captors from an erroneous view of this matter. It is, therefore, of great importance that we should at once state, that we do not assent to the position of either of the learned gentlemen. We approach the subject with great diffidence, as it may be thought that Her Majesty's Government has expressed a different opinion from that which we entertain; and we might excuse ourselves from entering upon the discussion at all, on the ground that the principle, which it is now sought to apply to vessels brought before the British and Spanish Mixed Court of Justice, was laid down by Her Majesty's Government with reference only to vessels brought before the British and Brazilian Court of Mixed Commission; and that it can have no necessary or important influence on the decision in this case. But we will not shrink on such grounds from noticing the subject, more particularly as it has been mooted by one, whose advice, deservedly esteemed, is known to have great influence on the proceedings of Her Majesty's squadron, employed on this coast in the suppression of the slave trade.

We cannot admit the correctness of the argument drawn from these passages by the Captor's Proctor, namely, that the Brazilian or Spanish construction of a vessel, and the Brazilian or Spanish flag which, in consequence of such construction, she must at one time have carried, shall, at any subsequent period, when the same vessel has become Portuguese by a *bonâ fide* transfer, exclude her, under all circumstances, from the benefit of a character, which she has acquired and possesses under the sanction of her own government. But we have still greater difficulty in thinking with the Proctor for the claimant, that it could have been intended, that the single fact of Portuguese construction, and the having borne the flag of Portugal, and no other, shall avail to protect from capture, under the Brazilian or Spanish Treaty, a vessel upon which a Brazilian or Spanish national character has been clearly affixed by domicile and employment.

But, taking those passages with their context, we can only understand them to mean that, where there is some doubt and uncertainty as to residence, and as to the national character of the persons and interests involved in a slaving voyage; and where it is at the same time clearly proved, that the vessel engaged in such a voyage has been transferred from a flag which will not, to one which will, protect her in her illegal pursuits; from the flag of Spain, for instance, to that of Portugal; the fair and reasonable presumption is, that her transfer has been fraudulent; and, to make use of an expression of Sir William Scott on a similar occasion (4 Robinson, p. 119):—"This circumstance operates, in such a case, to fill up the totality of all that is required to constitute a Spanish character." Such we must believe to be the scope and meaning of the passages referred to.

When a Spanish character can be positively fixed on a merchant and his vessel, the place where that vessel may have been built twenty years before, and the flags which she may have carried in the intermediate period, are matters of slight or rather of no importance. The vessel may have been built in Portugal, her owner may have been a Portuguese subject; she may have borne the flag of Portugal, and no other, from the day of her being launched; and she may be sailing, on the day of her capture, under the original register which she received from the Portuguese Minister of Marine, and we shall nevertheless deem her, for all commercial purposes, a Spanish vessel, or there is no soundness in the principle, that national character shall be fixed by the domicil of the merchant.

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We cannot, however, so easily take leave of this question, which has been mooted now for the first time in this Court, and from which it is likely that much future difficulty may arise. We shall, therefore, proceed to adduce such authorities and arguments, as appear to us to support and justify the opinion which we have expressed.

In the case of the "*President*," (5 Robinson, p. 279,) that vessel, owned by an American merchant, resident at the Cape of Good Hope, during the time that the Cape was possessed by Holland, was pronounced to be a Dutch ship, and was condemned accordingly; although, as Sir William Scott states, "she was purchased by the claimant of an American owner, and still continued to be documented as an American vessel," and does not appear to have previously borne any other flag than that of America. The claimant, Elmslie, was also pronounced to be a Dutchman, although the commercial regulations of America permitted him, under the circumstances, to retain his American character; Sir William Scott observing, with reference to the argument urged in the claimant's favour on this ground: "The American Government has undoubtedly a perfect right to grant such a privilege for the purposes of *their own* navigation; at the same time that this country is also at liberty to apply, what we consider as the more correct principle of the law of nations, so far as third parties are concerned."

So also in the case of "*Le Louis*," (2 Dodson, p. 217,) Sir William Scott states:—"The right of searching French ships could not be claimed but in virtue of express agreement. Even if it should be expressly stipulated in a Treaty between Great Britain and France, that *France* would no longer permit this trade to its subjects, no right of seizure and confiscation would *thereby* arise to the *British* nation."

Again at p. 232:—"But what is the delictum here? It is said: if not an offence against the law of nations, it is an offence against the internal laws of France; but are the municipal laws of one country armed with authority to notice offences against the internal laws of another country? How can the French law give jurisdiction to an English Court sitting at Sierra Leone?"

It is true that *we* cannot be considered either as a Municipal or as an English Court; but the principle laid down is equally applicable to us. It is, that only by the express stipulations of a Treaty can any Court be "armed with authority to notice offences against the internal laws of another country." In this case, there is no article in the Treaty by which we are armed with authority to take cognizance of the build and transfer of Portuguese ships; or to deprive a vessel, sailing under a Portuguese flag and pass, of her Portuguese character, solely on account of her foreign construction. On the contrary, the Treaty is directly opposed to the exercise of such an authority, and declares (see Article 6 of the Instructions,) "that the Portuguese or Foreign construction of a vessel *shall in no-wise affect* her nationality." In the face, however, of such a prohibition, we are requested to pronounce,—that the Portuguese or Foreign construction of a vessel, ostensibly Portuguese, shall be *the sole test* of her nationality; for such is the necessary result of the argument, that vessels owned by Brazilian subjects or by Portuguese subjects resident in Brazil, and carrying slaves from Africa to Brazil, cannot be condemned as Brazilian vessels, if they have been built in a port belonging to the dominions of Portugal.

It may be urged, that this article of the Treaty is virtually abrogated by the total abolition of Portuguese Slave Trade. We might reply, that the abolition on the part of Portugal can affect only her own subjects; and that no additional powers have accrued thereby to Great Britain; as it is certain that Slave Trade to any extent may still be carried on by Portuguese vessels south of the Line with perfect impunity, so far as British cruizers are concerned, who enjoy at the present day no more right to seize such vessels in southern latitudes, than they did when that traffic was permitted by the Portuguese law. We might also reply, that the intention of the contracting parties, with regard to the effect which Portuguese or foreign construction should have on the nationality of a vessel, was, at any rate, positively shown in this article; and that nothing but an additional article, or equally formal stipulation, would authorise us to act in direct contradiction to a declared intention, which will not admit of question or mistake.

But we take a higher ground, and maintain that, had there been no declaration in the Treaty, "that the Portuguese or Foreign construction of a vessel shall in nowise affect its nationality," those who are appointed to administer that Treaty would still have been unable, in the absence of any opposing declaration, to adopt the principle, that the port where a vessel may have been built, and the flag which

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she may have carried, shall protect her from the operation of the general rule, that the national character of the vessel must be determined by the residence and trade of her owner.

With regard to the practice of the Court, and the instructions of Her Majesty's Government, we will quote a few passages from the printed correspondence, shewing that it has always been desired, that Her Majesty's Commissioners should strictly confine themselves to the Treaties. See Class B, 1822, 1823, pp. 35 and 36, where the Commissioners were seriously warned by Mr. Canning that "on no other grounds than on those stated in the Treaty," could a decision be given by them; that they should not "go beyond the terms of the Treaty," that it "was their particular duty to decide conscientiously according to the Treaty, and to rely on the wisdom of the legislature to provide a remedy for the inconvenience which might result therefrom;" and he adds, "I have expressed myself thus plainly upon the subject, lest the difficulties of your situation should lead you to do that which is not pursuant to the Treaty and the Act of Parliament, under which your are appointed."

At Class A, 1835, p. 315, Lord Palmerston writes to Her Majesty's Commissioners at Rio de Janeiro:—

"It is right, however, and necessary, that I should take this occasion to warn you, that your only safe and proper course is, to abide most strictly by the Treaty between Great Britain and Brazil, of the 23rd of November, 1826; and the previous Treaty and Convention, and additional Articles therein mentioned, between Great Britain and Portugal, and the Regulations and Instructions annexed thereto; under which documents alone, together with the Acts of Parliament for carrying them into effect, you are authorised to act; and you will understand that, in future cases which may come before you, you are not in any instance, or under any circumstances, to deviate, in the least degree, from the directions laid down for your guidance in the documents above-mentioned."

At Class A, 1837, 2nd Series, p. 89, Lord Palmerston thus again addresses Her Majesty's Commissioners at Rio, within twelve days from the date of his Lordship's despatch (at p. 92), which has given rise to this discussion:—

"You will bear in mind that in your Commission, and in the conventions with Portugal, confirmed by the convention with Brazil, under which documents the power is given to you of adjudicating slave-vessels, you are enjoined to conform to those conventions, to their several annexes, and to the Acts of Parliament, which have been passed to carry those conventions and their annexes into effect. Those conventions, together with the legislative enactments which have been passed with regard to them, supersede the previous laws, both of Great Britain and Brazil, on those matters which belong to the execution of those conventions. The legality of the proceedings of the Mixed Commission does not, therefore, properly depend upon the conformity of such proceedings with the general law of Brazil, but properly upon their conformity with the conventions under which your powers are given."

The reasonableness of these injunctions, and the danger of going beyond the terms of the Treaties, in the attempt to render our decisions conformable to the commercial laws of any particular state, are fully exemplified in the present case.

In an English, and probably an imperfect translation of the Second Article of the Portuguese Decree of the 16th of January, 1837, Class B, 2nd Series, 1837, p. 37, the following words occur—"Only those vessels shall be considered Portuguese which have been navigating under the Portuguese flag *until* the publication of this Decree."

It is difficult to say what is the precise meaning of the word "until," as used in this passage; and we shall find that it has been understood by the Portuguese authorities in a sense totally different from that which appears to have been affixed to it by Her Majesty's Government.

In the circular addressed by the Viscount de Sa da Bandeira, the Minister of Foreign Affairs at Lisbon, to the Portuguese Consuls stationed at Brazilian ports, that Minister explains the passage to mean, "that such vessels only would be considered Portuguese *as were already* under the Portuguese flag *at the date* of that Decree"—that is, on the 16th of January, 1837.

The British Government, on the other hand, Class A, 2nd Series, 1836, p. 93, declare, "that by the Portuguese Decree, the only vessels which are to be considered Portuguese are those which had been navigated under the Portuguese flag *before the date* of that Decree, or which shall have borne the flag of Portugal, and no other, *before* the issue of the Decree of the 16th January, 1837."

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Thus the Portuguese Minister considers the Decree not to have a retrospective effect, and will acknowledge any vessel, which was under the Portuguese flag on the 16th of January, 1837, and which has not subsequently changed her flag, as a *bonâ fide* Portuguese vessel, without reference to the flag or flags which she may have carried prior to the month of January, 1837; whereas Her Majesty's Government appear to consider that the Decree *has* a retrospective effect; and that no vessel can be deemed to possess a *bonâ fide* Portuguese character, which has at any time, before the issue of the Decree of the 16th of January, 1837, borne any other flag than that of Portugal.

We cannot presume to give any opinion as to which of these two interpretations of the Decree is the correct one, nor does the apparent difference between them place any difficulty in the way of Her Majesty's Commissioners, as would have been the case if those conflicting interpretations had referred to an article of the Treaty, instead of referring to an article of the Portuguese commercial code, with which we maintain the Commissioners acting under the Treaties can have nothing whatever to do.

It always has been, and we are sure that it always will be, the practice, as it is the duty, of Her Majesty's Commissioners to treat with attention and respect the instructions of Her Majesty's Government. On doubtful points, and where contradictory clauses in the Treaty involve in obscurity the real objects of the high contracting parties, such instructions are *conclusive*, as expressing the positive intention of one party to the Treaty, not opposed by the declared intention of the other. In this case, however, no ambiguity or contradiction has to be explained; and if the Treaty cannot be considered to contain a clear and express direction that the construction of a vessel shall in nowise affect her nationality, it contains nothing whatever on the subject of the construction.

Let us now reflect, for one moment, on the probable consequences of admitting that a vessel, owned by Brazilian subjects, or by Portuguese subjects resident in Brazil, and employed in the transport of slaves from Africa to Brazil, cannot be adjudicated by us as a Brazilian vessel, if she have always been navigated under the flag and pass of Portugal.

For any thing that we know to the contrary, the commercial codes of Spain, Holland, and Brazil may, at the present instant, confine, in like manner, the benefits of a Spanish, Dutch, and Brazilian national character to such vessels as shall have been built in Spanish, Dutch, and Brazilian ports, and borne the flags of Spain, Holland, and Brazil, and no others, from the date of their construction. It would follow, then, if we are to adopt the principle now recommended to us, that no Portuguese, Spanish, Dutch, or Brazilian vessel, which has ever, during any period of her history, changed her flag, even in consequence of a *bonâ fide* sale and transfer to a foreign merchant, could be adjudicated *by any* of the courts of Mixed Commission, appointed to carry into effect the Treaties for the suppression of the Slave Trade.

It is a fact well known to all who have any experience in our Courts, that at least three-fourths of the vessels under the Portuguese flag, now employed in the Slave Trade of Cuba, have been built in the ports of the United States, and have therefore necessarily, in the first instance, carried the American flag. When these vessels, then, are captured with slaves on board, are we to tell the Captors that we cannot admit them into the British and Portuguese Court of Mixed Commission; that we cannot acknowledge them as Portuguese vessels, because a Portuguese law has lately declared that, only such vessels are to be considered Portuguese as "shall have borne the flag of Portugal, and no other, before the issue of the Decree of the 16th of January, 1837?"

And if Portugal may thus be entitled, by the simple publication at Lisbon of a Commercial Decree, to set aside a solemnly ratified Treaty, which was extorted from her in the first instance with great difficulty, and which she has ever since attempted, by every other means, to nullify and evade, Spain will not long delay to imitate her example, and to adopt similar means to escape from the galling and obnoxious restrictions on her favourite trade.

Such are some of the reasons, which have prevented our acknowledging the authority and importance of the late Portuguese Decree, so far as we are concerned; and from the most attentive consideration which we have been able to give to the subject, we are fully persuaded, that neither our Commissions from the Crown, nor the British Acts of Parliament, nor the Slave Trade Treaties, nor the former practice of the Courts, nor the more recent instructions of Her Majesty's Government, nor the solemn oath, which we are required to take before we can enter upon the duties

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of our office, will permit us to travel beyond the stipulations of the Treaties which we are appointed to carry into effect, or to model and vary our decisions, in accordance with the shifting legislation of any of the Powers, who have entered into Treaties with us on the subject of Slave Trade. Those Powers are in all respects concluded by the Treaties which they have signed; and no municipal law or internal regulation of theirs can in any degree affect the rights which such Treaties have conferred upon Great Britain; and if the domestic laws of Spain, Portugal, Holland, and Brazil cannot restrict, so neither can they extend, the right possessed by the cruizers of our nation to search and detain, and of the Judges of this Court to adjudicate, vessels suspected of being engaged in the Slave Trade; but if it shall be deemed necessary to lessen or increase the powers now enjoyed under the Treaties, they must be lessened or increased by additional articles, or by formal stipulations, having all the force and effect of the original Treaties.

We shall content ourselves for the present, with this general statement of the views entertained by the Commissioners with regard to national character, as impressed by residence and mercantile employment; reserving all further remarks on the subject for another opportunity, which will shortly occur.

It is now our duty to apply the principles which have been laid down, to the case before us; and in doing so, we shall exactly follow the course pursued in the very similar case of the "*Fortuna*." 1. Dodson, page 81.

Sir William Scott there observes: the first great question of fact is, what is the national character of this vessel? The second question is, was this vessel employed in a traffic which would subject her to confiscation? The result of the inquiry is likewise in both cases the same; the "*Fortuna*" was deprived of the protection of the Portuguese flag, under which she was captured, on the ground that (page 89) "whatever papers were obtained from the Portuguese Government, were fraudulently obtained, and under false pretences of a transfer, which had never taken place, and which could not, with the aid of Portuguese documents so obtained, entitle this vessel to any recognition of a Portuguese character. She continues still an American vessel."

So, in like manner, we consider that the "*Diligente*" still continues a Spanish vessel, inasmuch as the only documents which are produced to prove her transfer from the Spanish to the Portuguese flag are acknowledged by the claimants themselves to be fraudulent, not indeed obtained from the Portuguese authorities under false pretences, but granted with a full knowledge of the fraud which they were intended to cover.

These documents therefore being set aside, the "*Diligente*" necessarily stands before us in her former character; and we have only to consider whether, by employment in the Slave Trade, she is brought within reach of the tenth article of the Spanish Treaty of the 28th of June, 1835.

The Report of the surveyors appointed to examine the equipment of the "*Diligente*" shows that "the construction and furniture of the ship had all the accommodations necessary for the conduct of the Slave Trade;" and we shall now pass sentence upon her in the very words employed by Sir William Scott in the case referred to. By one at least of the papers, "it is disclosed that she was to go to the Havana, the great mart for the importation of negroes. When we see these platforms constructed, and an apparatus for the construction of more; these irons collected together; the nature of the provisions on board; the fraudulent sale, and the fraudulent acquisition of the Portuguese character under it; the false pretences which have travelled with this case throughout, the particulars of which we do not detail, after the ample statements which have been given by the Advocate for the captors; we can have no rational doubt of her real character, and we therefore condemn her and her cargo.

Sierra Leone, October 12th, 1838.

No. 11.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received April* 1, 1839.)

My Lord, *Sierra Leone, October 29th,* 1838.

We have the honour to acknowledge the receipt this day of a duplicate of your Lordship's Despatch under date of the 20th of January, 1838, (the original having miscarried.) transmitting the copy of a Report from Her Majesty's Com-

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missioners at Havana, of the arrivals at, and departures from, Havana, of slave vessels, during the month of October, 1837.

We have, &c.
(Signed) H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 12.

Her Majesty's Commissioners to Viscount Palmerston.—(Received April 1, 1839.)

My Lord, *Sierra Leone, 5th December,* 1838.

We have the honour to acknowledge the receipt of your Lordship's Despatch of the 8th of October, 1838, transmitting to us copies of two Despatches from Her Majesty's Commissioners at Havana, giving an account of the slave vessels, which had left that port for the coast of Africa, in the months of February, March, April, May, and June, of the present year.

We are much obliged to your Lordship for this communication. We beg leave, at the same time, respectfully to suggest to your Lordship that, to render the information contained in these lists more valuable and complete, the names of the masters commanding the different vessels should, as formerly, be attached to each vessel. There are some names so commonly borne by ships of this class, that it is only by having also the names of their Masters, that we can distinguish one vessel from another. In the short list contained in Mr. Kennedy's Despatch, of the 17th of July, 1838, we meet with *two* vessels called "*Constituçao,*" and *two* called "*Victoria;*" and at Sierra Leone, during the present year, *two* different vessels have been adjudicated bearing the name of "*Camoens,*" *two* named "*Veloz,*" *two* named "*Prova,*" *two* named "*Diligente,*" and *two* named "*Constituçao.*" Under such circumstances it is evident, that it would be difficult to trace the proceedings of any particular vessel, without knowing the name of the person who commanded her.

We have, &c.
(Signed) H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 13.

Viscount Palmerston to Her Majesty's Commissioners.

Gentlemen, *Foreign Office, April* 10, 1839.

I herewith transmit to you, for your information, a copy of a Despatch from Her Majesty's Commissioners at the Havana, containing a report of vessels that had arrived at that place from the coast of Africa during the month of January last; together with a Report of such vessels as have sailed from the Havana for Africa during the same period.

I have, &c.
Her Majesty's Commissioners, (Signed) PALMERSTON.
&c. &c. &c.

Enclosure in No. 13.

Havana Commissioners, February 20, 1839.

(See No. 46, p. 118.)

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No. 14.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received April* 21, 1839.)

My Lord, *Sierra Leone, December* 22, 1838.

We have the honour to forward to your Lordship our report of the case of the schooner "*Sirse*," Serafin Antonio Spenser, Master, captured by Her Majesty's brigantine "Buzzard," on the 17th ultimo, about sixty miles to the southward of this place, and condemned yesterday in the British and Spanish Mixed Court of Justice, as a Spanish vessel equipped for the Slave Trade, in contravention of the Tenth Article of the Treaty. We beg leave also to enclose a copy of the judgment pronounced in the case, and anxiously hope, that the course which we have now pursued will meet with your Lordship's approval.

At the time of her detention the "*Sirse*" was sailing under the Portuguese flag; but she was prosecuted in the British and Spanish Mixed Court of Justice, on the assumption that the domicile of her real owner, and her employment in Cuba Slave Trade, had fixed upon her a Spanish national character; and that her equipment for the Slave Trade had consequently rendered her liable to condemnation.

The Captor failed to establish against the vessel any other ownership than that stated in the ship's papers; and if he succeeded in proving the falsehood of the representation, that De Mello, of the Cape de Verd Islands, was the owner, he was not in a condition to put forward any other person, as a substitute for the pretended owner, whom he set aside.

Of illegal equipment for the Slave Trade there could be no doubt: but this fact could only avail in the case of a Spanish vessel. The "*Sirse*" professed to be Portuguese; she was sailing with Portuguese papers, and under the Portuguese flag, and the attempt to fix upon her a Spanish character, deduced from the domicile of her owner, was not successful.

It then, for the first time, became a question with the Commissioners, whether the ample proof which had been afforded of *a Spanish course of trade*, was alone sufficient, independent of every other consideration, to bring the "*Sirse*" within reach of the penalties of the Slave Trade Treaty with Spain. The most careful consideration was given to this important question; and at length it was decided in the affirmative; from a conviction that such a decision was in no degree opposed, either to the letter or spirit of the Treaty, and was in perfect accordance with established rules of international law.

By this sentence, *a course of trade* has been directly adopted by the Courts, as one of the tests of the national character of a detained slave vessel; and we earnestly hope that the judgment which we have given, taken in connexion with that which was lately pronounced in the case of the "*Diligente*," will have the effect of producing a vast increase in the number of captures during the ensuing year; a result which will be attained without the slightest infringement of existing engagements, and without overstraining the meaning of one article of our Slave Trade Treaties with Foreign Powers.

We have, &c.

(Signed) H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 14.

Report of the Case of the Schooner "Sirse," Serafin Antonio Spenser, Master.

Of the numerous papers found on board this vessel, the first in point of date is a bill of sale, which shows that the "*Sirse*" was originally the "Thomas H. Smith" of New York, built in 1828, owned by Robert I. Gourlie, an American citizen, who obtained an American register for her in his own name at New York, on the 29th of August, 1837. On the 19th of the following month of September, Gourlie sold his vessel at Havana to Don Thimotio Cardozo de Mello for three thousand dollars. There is no mention of any agent appearing on the part of the buyer; and De Mello himself is represented as having paid the purchase money and received possession of the vessel in his own person. A certificate from the American Consul at Havana, dated on the same day, states that Gourlie had

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appeared before him and acknowledged the bill of sale as his own act and deed. It will be observed that there is an interval of only twenty-one days between the date of the New York register and the date of the bill of sale at Havana. The former document must therefore have been obtained, for the express purpose of facilitating the immediate transfer of the vessel.

2. A Portuguese passport or register, granted by the Governor-General of the Cape de Verd Islands to the schooner "*Sirse*," "*of American construction*," declaring that the owner of her was T. C. de Mello, and the Captain Serafin Antonio Spenser; that two-thirds of the crew were Portuguese; and that she was bound to Maranham. This document is dated at Villa da Praia, on the 1st of January, 1838, and was obtained in direct opposition to the Portuguese law of the 17th of January, 1837. The name "*Sirse*" has also been written over the half-obliterated word "*Ceres*."

3. A certificate from Jozé de Silva Pereira, the Receiver of Customs at Porto Praia, saying that T. C. de Mello had paid the fifteen per cent. duty, required by law, on the purchase money of the "*Sirse*," "bought *by his empowered attorney*" at New York." In the bill of sale (No. 1.) the purchase is stated to have been made at Havana, not at New York; and not a word is said about any agent or power of attorney, but De Mello himself is named as the buyer.

4. On the 7th of August last, the "*Sirse*" obtained the usual clearance from Havana to the Cape de Verd Islands, wherein the water-casks on board are stated to be intended for holding palm oil on the return voyage; the slave-boilers are shipped for the purpose of clarifying it; and the slave-deck was to be employed in erecting sheds on shore, whilst trade was being made with the natives.

5. The Matricula, which is certified by the American Consul, states the "*Sirse*" to be bound to the Island of St. Thomas', Princes, and Cape de Verds; although the clearance only names the Cape de Verds as the destination of the vessel.

6. Is a passport for Don Pedro Maria Tito, authorizing him to go to the Cape de Verds on his private affairs. It is dated on the same day as the clearance, and was evidently intended to conceal the real character of a man, who acted as Captain, and conducted all the proceedings of the vessel.

7. The Log-book, which commences on the 8th of August last, shows that the Cape de Verds was not the destination of the "*Sirse*," as no attempt was made to approach them. On the contrary, the vessel came direct to the Gallinas, where arrangements were being made for the return cargo, when capture took place. The Log mentions that the crew consisted of ten seamen and "four officers of the poop," in opposition to the Muster-roll, which contains the names of only three officers, and does not take into account the actual Master, but nominal passenger, Tito.

8 and 9. Two letters found on board show more decisively the control which Tito exercised with respect to the "*Sirse*." The first is addressed by Tito to the Mate, giving him general directions as to his proceedings on board, whilst the writer was trading on shore: the second is written by De Grassi, a noted slave dealer at Gallinas, to Tito, asking him for some goods and stores from the "*Sirse*."

10. Is a set of bills for five hundred dollars, drawn by Pedro Blanco, of Gallinas, on Peter Harmony and Company of New York, in favour of the well-known Theodore Canot, and endorsed by the latter to Tito. They are dated on the 1st of September.

The above papers were produced on the 19th ultimo, on which day the prosecution against the "*Sirse*" was commenced in the British and Spanish Court, the Captor's Proctor petitioning that the declaration of the facts of capture, made by Lieutenant Fitzgerald, commanding Her Majesty's Brigantine "Buzzard," should be filed, accompanied by an affidavit authenticating the ship's papers; that the monition against interested parties might issue; and that evidence in preparatory might be taken.

A Commission was then directed to the Surveyors of the Court, to examine the outfit and equipment of the "*Sirse*," with particular reference to the Tenth Article of the Spanish Treaty. The Surveyors thereupon reported: "We found seven hundred feet of plank and nine beams, marked and numbered, with cleats nailed to the ship's side: we found one hundred and twenty-one fore-locks for shackles; we found one thousand gallons of fresh water on board, also six leaguers, and fourteen packs of staves, capable, when made up into casks, of containing about eight thousand gallons; we found one hundred and forty wooden spoons, seven buckets, forty mess dishes; we found the coppers eighteen inches deep, and three feet by two square," &c.

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The witnesses in preparatory were examined on the standing interrogatories on the 21st ultimo. Serafin Antonio Spenser, the nominal Portuguese master, deposed, that "he was born at Bonavista, where he has lived during his whole life, and has never served any state but Portugal; that he was appointed to the command, and possession of the vessel was given to him, by Thimotio Cardozo de Mello, a Portuguese living at St. Jago, one of the Cape de Verd Islands; that he first saw the vessel at Bonavista on the 1st of February last, and she is American built; that he was present at the capture, but he does not know why it took place; that the vessel was sailing under Portuguese colours at the time; that she is 90 tons burthen, and had a crew of 12 officers and mariners, exclusive of witness, of whom four or five were Portuguese, and the rest Spaniards, all hired and shipped at Havana in August last, by Francisco Rieira, the consignee of the vessel; that neither he nor any other of the officers or mariners, had any interest in the vessel or cargo; that he was Master on board; that there were five passengers, seamen by profession, and Spaniards by birth, four of whom were taken on board at Gallinas, about 12 days before capture, and were in search of employment on board some ship; that the other passenger, Pedro Maria Tito, had been mate of a vessel, and had taken his passage at Havana for St. Jago, but on what business witness does not know; that none of the five passengers had any interest in the vessel or cargo; that the last clearing port was Havana, where the voyage began, and was to have ended at Porto Praia, or elsewhere, as might be determined by the owner there; that the vessel called at Gallinas to discharge 15 pipes of rum, by order of the consignee at Havana; that the capturing ship was first seen about 60 miles from Sierra Leone on the 16th instant; that capture took place on the same day without a chase; that the vessel was steering for Rio Nunez at the time, but altered her course a little; the ship's papers destined her for the Cape de Verd Islands; but witness, finding that he had passed them during the night, went first to the Gallinas to discharge his rum, and intended, as he went up to Cape de Verds, to look in at the Rio Nunez for a cargo of rice, or ivory, or anything he could find; that the sole owner of the vessel is Thimotio Cardozo; that he knows this to be the case from the papers, and because he received possession from him; that the owner is a Portuguese by birth and allegiance, lived formerly at Lisbon, where his father's family is established, and has resided for six or seven years at St. Jago; that witness himself, along with Francisco Rieira, the consignee at Havana, was the lader of the cargo, which belongs either to the said consignee, who is a Spanish merchant, residing and carrying on business at Havana, or to the owner of the vessel, but witness, does not know to which of them; that there are about 40 spare planks of various lengths, and one and a-half inch thick, not numbered or fitted to any part of the vessel, but destined for a house to be built at St. Jago, or any other necessary purpose; that there are five casks, great and small, containing one pipe of fresh water, together with stores for about 13 barrels more, all of which together would be capable of receiving from 35 to 45 pipes; that it was intended that some of these casks should receive water for the use of the crew, and the remainder be filled with palm oil from the coast, if, on the arrival of the vessel at St. Jago, the purchase of it should be ordered by the owner."

The other witnesses examined were, the Mate, Joaõ Galban, and the cook, Nicolas Sicardo, whose depositions, in other respects unimportant, agreed in declaring that the present voyage was to have ended (where it began) at Havana; and that they were shipped with that understanding.

The above evidence was published on the 21st ultimo; and on the 26th ultimo, the day when the Monition was returned into the Registry, a petition was presented by the Portuguese master, for the admission of a claim for the detained vessel and her cargo, as the property of Thimotio Cardozo de Mello of the Cape de Verd Islands.

The filing of a claim was followed by further examinations, upon special interrogatories approved by the Court, and which occupied the Registrar between the 29th ultimo, and the 6th instant.

Pedro Maria Tito deposed, "That he was born at St. Sebastian, and is a subject of Spain; that he has generally resided at Matanzas, and is a seaman by profession; that he was a passenger on board the "*Sirse*;" that De Grassi at the Gallinas, who wrote the letter, (No. 9), was not at all connected with the affairs of the "*Sirse*;" that witness does not consider the tone of his letter (No. 8) to the mate of the "*Sirse*" more than he might use as a friend; that De Grassi wrote to witness instead of the Master, because the master does not understand Spanish; that

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witness does not know how the vessel was occupied when she was at the Gallinas, which was the concern of the Captain and sailors; that he does not know why the vessel delayed so long proceeding to the Cape de Verds; that witness paid 150 dollars for his passage from Havana to the Cape de Verds."

The Mate, Joaõ Galban, and the cook, Nicolas Sicardo, when cross-examined, confirmed their former evidence as to the Island of Cuba being the destination of the "*Sirse*" on her return voyage; and the latter added "that he had heard every one on board say, that the voyage was to end at Havana."

Nothing new was elicited from the Master on his cross-examination; and his later evidence consisted merely of lame attempts, to account for the manifest contradictions and incongruities in his former deposition.

The case was finally decided on the 21st inst.

It will not be necessary in this place to explain very minutely the grounds on which the Court was led to condemn the "*Sirse*," as a copy of the judgment accompanies this report. The Spanish national character of the vessel, as derived from the domicile of the owner, was not established in the same satisfactory manner, that it was in the other cases in which the Spanish Court took cognizance of vessels under the Portuguese flag; for although a very strict and rigid application of legal rules might perhaps have warranted us in deciding, that the claimant should stand by the representation contained in one of the ship's papers, namely, that the nominal owner, De Mello, was resident in Havana when he purchased the "*Sirse*," and that no evidence had been tendered to show that De Mello's alleged residence in Havana had ceased, condemnation on such grounds would have been a refinement of special pleading to which our courts have never been accustomed, more particularly as it was known to us from other sources that, at the time when the transfer of the "*Sirse*" at Havana is pretended to have taken place, De Mello was actually living, as he is at present, in the Cape de Verd Islands.

But while a Spanish national character, as affixed by *domicile*, was thus imperfectly sustained, *a course of Spanish trade* was clearly established; and it became a question with the court, for the first time, whether, by such *a course of trade*, a Spanish national character would attach itself to the detained vessel, so as to bring her within the reach of the requirements and penalties of the Slave Trade Treaty with Spain. This question, after the most anxious deliberation, was decided in the affirmative; and on the 21st instant the "*Sirse*" was condemned for a transgression of the Tenth Article of the Treaty with Spain, in having on board an illegal slave-trading equipment.

(Signed) H. W. MACAULAY.
R. DOHERTY.

Sierra Leone, December 22, 1838.

Second Enclosure in No. 14.

Judgment given in the case of the Spanish Schooner "Sirse," Serafin Antonio Spenser, Master.

On the 29th of August, 1837 (if we are to believe the bill of sale filed in this cause), this schooner, then called the "*Thomas H. Smith*," received an American register in New York, and, within three weeks from that time, she was sold in Havana by her recently-registered owner, Robert J. Gourlie, a citizen of the United States. The purchaser at Havana is stated to have been Thimotio Cardozo de Mello, of St. Jago de Praya, in the Cape de Verd Islands. On the 31st of January, 1838, a Portuguese passport was granted by the authorities at Villa da Praia to the "*Sirse*," of which Thimotio Cardozo de Mello was said to be the owner, and Serafin Antonio Spenser the Master; and she was on the same day cleared out for Maranham. Instead of proceeding to the port named in her passport, the "*Sirse*," it is admitted, went direct to Cuba after leaving this coast, and cleared out again from Havana, on her present voyage, on the 7th of August last, bound, by her official clearance, to the Cape de Verd Islands alone, although another of her papers states, that she was also destined to the Islands of St. Thomas and Princes; but to none of these places was her course directed; and the first port she entered was the Gallinas, where she arrived on the 26th of September last. Her visit to the Gallinas was not, however, in any degree accidental, as the outward cargo shipped at Havana was consigned to a well-known resident slave-trader in that river; and for nearly two months after the outward cargo had been

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delivered, the "*Sirse*" was still found in the same place, or making occasional trips to the neighbouring coasts and rivers to procure rice and provisions, which were again deposited with the same merchant to whom the outward cargo had been consigned. The ultimate object of the "*Sirse's*" voyage was sufficiently shown, by the complete slave-trading equipment with which she was provided; but while on this point no doubt can be entertained, it is only as a Spanish vessel that she can in any degree be affected by the establishment of this fact.

From what has been already stated it will be seen, that the "*Sirse*" professes to be a *Portuguese* vessel; and it will be necessary, in the first place, to examine her title to that character. In the bill of sale, which is the earliest document in point of date, having been executed at Havana on the 19th of September, 1837, we find the following passages.

"Know all men by these presents, that I, Robert J. Gourlie, of the city, county, and state of New York, for and in consideration of the sum of 3000 dollars to me in hand, *paid at the time of the perfection of these presents, by* Don Thimotio Cardozo de Mello of St. Jago de Praya, the receipt whereof is hereby acknowledged, have granted, bargained, sold, &c., unto the said Don T. C. de Mello, the said schooner "Thomas H. Smith," to have and to hold, &c.; and I, the said Robert J. Gourlie, do *hereby covenant and agree, to and with* the said Thimotio Cardozo de Mello, &c., that I am the true, lawful, and sole owner of the said schooner" &c.

The next paper, in point of time, is the Portuguese Register or Passport, said to have been granted to this vessel by the Government of the Cape de Verd Islands, of the 31st of January last; but which it is impossible to consider valid or admissible, as it was evidently prepared for some other vessel; the name "*Sirse*" being written in a very bungling manner over another half obliterated name. The name of the present master is also inserted in the body of the passport, in much paler ink than that used in writing the other parts of the paper; and the Master himself declares that he is quite unable to account for Maranham being mentioned, in this passport, as the destination of the "*Sirse*," as it never was intended that she should proceed there.

Of the same date with the passport is a certificate, granted by Jozé da Silva Pereira, the receiver of customs at Porto Praya, that the fifteen per cent. on the amount of the costs of the schooner "*Sirse*" had been paid by the purchaser. In the case of all the vessels, which have been nominally or really transferred to the Portuguese flag at the Cape de Verd Islands, we have invariably found a similar certificate copied verbatim into the body of the bill of sale; and when the sale and transfer have taken place elsewhere, and resort is had to the Government of the Cape Verds, merely for the purpose of obtaining a regular Portuguese register, the certificate of the payment of the accustomed fifteen per cent. on the purchase-money is, as in the present instance, given separately, in order to invest the transaction with the requisite marks of validity. Pereira's certificate, however, gives an account of the purchase directly opposed to that contained in the bill of sale. Pereira states that the "*Sirse*" was bought, not at Havana, but at New York; not on the 19th of September 1837, but on the 29th of August 1837, the very day on which the vessel had obtained an American register; not by Thimotio Cardozo de Mello in person, but "by his empowered attorney" in New York. Both statements cannot be, and probably neither is, correct; but we must not forget that whilst the bill of sale is a formal document in itself, signed by the vendor himself, and acknowledged by him in his own person, as his act and deed, before the American consul at Havana, on the day of its execution, the certificate written by Pereira at Porto Praya, professes to refer only incidentally to a transaction which took place on the other side of the Atlantic, and of which the bill of sale is the only authentic record, and the only valid proof.

If, then, we are to receive as correct the representations made in the bill of sale, De Mello, the purchaser, and Gourlie, the seller, of the "*Sirse*," were both personally present at Havana, and took part in the execution of the deed; and such being the case, it certainly lies on the claimant to show, that De Mello's residence at Havana, and his mercantile connexion with that place have ceased; nor can the claimant be permitted to say that the averments in the bill of sale are false, for he has himself produced that document, as proof that the ownership of the "*Sirse*" resides with the purchaser therein named.

But without pressing too strongly against the claimant the argument drawn from the actual residence at Havana of the professed owner of the "*Sirse*," at the moment when she became his property, and receiving as true the claimant's asser-

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tion, that the professed owner is now living on the island of St. Jago, we consider that a Spanish national character has been sufficiently impressed upon this vessel by her exclusive employment in Spanish trade. The present voyage (like all the former ones made by the "*Sirse*," under her Portuguese papers) was to have ended, where it began, at Havana, where the outward cargo was shipped, and where the return cargo was to have been delivered; where a Spanish resident merchant, named Francisco Rieira, managed all the concerns of the vessel; where a Spanish master was appointed, under the designation of a passenger; where the crew, consisting almost entirely of Spaniards, were engaged, and where they were to have been discharged on the conclusion of the voyage. Rieira, the lader of the outward cargo at Havana, was, it is stated by the claimant, its probable owner also; and the consignee of that cargo on this coast was a well known Spanish slave-trader in the river Gallinas. Every proceeding of the voyage points most strongly to Spanish interests; nor is there a single paper or account, from the pretended agent at Havana to the pretended owner at St. Jago, although the port in which that owner resided was named in the clearance as the destination of the vessel.

From these circumstances, we have no doubt that the ownership of the vessel rests with Rieira, or at any rate in Havana. But allowing that De Mello was, as represented, the real purchaser of the "*Sirse*," and allowing that he is at the present moment residing in the Cape de Verd Islands, we still maintain, that, so far as he is connected with this particular adventure, he must be looked upon as a Spanish merchant. And, in support of this opinion, we will now quote one or two passages from judgments given by the late Lord Stowell.

In the ("*Jonge Klassina*," 5 Robinson, page 302.) "A man may have mercantile concerns in two countries; and if he acts as a merchant of both, he must be liable to be considered as a subject of both, with regard to the transactions originating respectively in those countries." In the "*Bernon*" (1 Robinson, page 102.) "The employment of a vessel is, *in limine*, a point very proper for inquiry; for it may impress a national character, and must, at all events, in such a case as this, very much elucidate the transaction."

The "*Susa*" (2 Robinson, page 256) was the case of a ship taken under American colours, claimed as the property of an American merchant resident at New Bedford, but condemned for being engaged in the trade of France. On this occasion Sir William Scott observed: "It always appeared to this Court, that persons carrying on such a trade were just as much to be considered as incorporated in the commerce of France, as if they were native merchants of France, and that their property so employed would be justly subject to confiscation, be their personal residence where it might."

The case of the "*Vigilantia*," in the first volume of Robinson's Reports, and which has been referred to by the Captor's Proctor, is very strong in showing that even "supposing (De Mello) to be the actual proprietor of the (*Sirse*), and resident at (St. Jago de Praia), yet this vessel and other concerns, however it may be with respect to other ships and other concerns, in which this gentleman may be engaged, are liable to be treated and considered as (Spanish) property. In the first place, she went from (Havana) regularly to the (Coast of Africa), and to return to the port of (Havana), there to deliver her cargo; she is purchased in (Havana); she is purchased evidently for the purpose of pursuing the (Slave) Trade of (Havana); she is purchased at a time when there was a defect of conveniences for carrying on this trade to and from (Havana). Now, we ask, upon what grounds is it that this vessel, so purchased and so employed, is to be considered merely as a (Portuguese) vessel? Here is a ship as thoroughly engaged and incorporated in (Spanish) commerce as a ship can possibly be; she is fitted out uniformly from (Havana); she is fitted out with (Spanish) manufactures; she is fitted out for (Spanish) importation; in all these objects employing and feeding the industry of (Spain); she is managed by a (Spanish) ship's-husband; and finding occupation for the commercial knowledge and industry of the subjects of that country; she is commanded by a (Spanish) Master; she is manned by a (Spanish) crew, and brings back the produce of her voyage for the purpose of (Spanish) consumption and (Spanish) revenue. If to this you add, that the vessel is transferred to the (Portuguese) flag because Spaniards are unable to carry on the trade avowedly in their own persons, it is truly a (Spanish) commerce in a very eminent degree. In our apprehension, unless it can be maintained as a rule, *without any exception whatever*, that the domicile of the

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proprietor constitutes the national character of the vessel, this ship must be condemned, even if she had been really transferred.

"Now, on this point we conceive the rule to be, that *where there is nothing particular or special in the conduct of the vessel itself*, the national character is determined by the residence of the owner; but there may be circumstances arising from that conduct which will lead to a contrary conclusion. It is a known and established rule with respect to a vessel, that if she is navigating under the pass of a foreign country, she is considered as bearing the national character of the nation under whose pass she sails. In like manner, and upon similar principles, if a vessel purchased in a (Spanish) port is, by constant and habitual occupation, continually employed in the trade of (Spain), on what ground is it to be asserted, that the vessel is not to be deemed a vessel of the country from which she is so navigating, in the same manner as if she evidently belonged to the inhabitants of it?

"And from this reasoning a doctrine is deduced (page 15), a doctrine supported by strong principles of equity and propriety, that *there is a traffic which stamps a national character, on the individual, independent of that character, which mere personal residence may give him.*"

On these grounds we consider that the schooner "*Sirse*," Serafin Antonio Spenser, Master, has been properly prosecuted as a Spanish vessel; and that she is bound, as such, by all the requirements of the Spanish Slave Treaty. Her illegal equipment for the Slave Trade has been already remarked upon; and we accordingly condemn her, as good and lawful prize to the Crowns of Great Britain and Spain.

Sierra Leone, December 21*st*, 1838.

No. 15.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received April* 25, 1839.)

My Lord, *Sierra Leone, December* 15*th*, 1838.

We have the honour to enclose to your Lordship our report of the case of the brig "*Veterano*," Carlos Estevo Sassetti, Master, condemned on the 11th inst. in the British and Spanish Mixed Court of Justice, on the ground of her being equipped for the Slave Trade.

We have also the honour to transmit a translation of some of the most interesting of the numerous papers found on board the condemned vessel.

Fraud and falsehood have marked all the "*Veterano's*" proceedings from the moment of her leaving England, on the 9th of March last, until the prosecution against her was closed.

On the 14th of April, 1837, this vessel, then called the "*Veloz*," cleared out from Sierra Leone for London, with a British register; and on the 12th of January last she was registered *de novo* in England. A few days afterwards, Mr. John White, the Captain and professed owner of the vessel, began to fit her for sea. Part of her cargo was taken on board in the West India Docks, and the remainder at Falmouth, and she then proceeded direct to Cadiz, where she arrived in due course. On the 2nd of April, 1838, she was handed over to a Spanish Captain and Mate; and about three months afterwards left Spain for Havana, where she came to anchor on the 18th August. On the 27th of the following month (September) she again left Havana, bound by her papers to St. Thomas's, but was steering direct for the River Gallinas, when she was captured by Her Majesty's brig "Brisk" on the 18th ultimo, and brought to Sierra Leone.

This statement of facts is, however, quite at variance with that contained in the ship's papers. In them it is declared that the vessel which, after her condemnation in the British and Portuguese Court of Mixed Commission, left Sierra Leone on the 14th of April, 1837, and which left England for Cadiz in March, 1838, was sold at the latter place in December, 1836, four months before she sailed from this place for London, and sixteen months before she arrived at Cadiz from England. To this falsehood we are sorry to perceive that the Englishman above mentioned, of the name of White, was a party. The Portuguese Consul-General in Cadiz also lent the aid of his office to cover the fraud.

The papers with which the "*Veterano*" cleared out from Havana on the present voyage, exhibit an equal disregard of truth. By her clearance her destination was stated to be St. Thomas's.

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In the Matricula we find the names of thirty-three seamen, but no officers.

The person who figured as the Master is a Portuguese, of the name of Carlos Estevao Sassetti; the owner is stated to be the notorious Francisco Cardozo de Mello; and some passports amongst the papers described the three persons, named Jimenes, Barrera, and Mendoza, as passengers making a voyage to the Island of St. Thomas. Other documents, happily found on board the detained vessel at the time of her capture, give a different and a more correct statement of the case; and from them we find the real owners are Pedro Martinez and Company, of Havana; that the real Captain is the pretended passenger Angel Jimenes, formerly Master of the Spanish schooner "*Lince*," condemned here a short time since as the Portuguese schooner "*Ingemane*;" that the other pretended passengers are the Spanish officers of the vessel; that the destination of the vessel was the river Brass *viâ* Gallinas; and that she was intended to carry, on her return voyage, a cargo of between four and five hundred slaves.

The ownership of the vessel having been clearly proved to reside in the house of Pedro Martinez and Company, merchants, domiciled at Havana, a Spanish national character was affixed on the "*Veterano*;" and with regard to equipment, the Master's evidence was so full an admission of the presence of several of the articles, prohibited by the 10th Article of the Spanish Treaty, that it was not thought necessary to complete the usual survey and inspection, by which Slave Trade intentions are generally ascertained.

We have, &c.

(Signed) H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 15.

Report of the Case of the brig "Veterano," *Carlos Estevao Sasetti, Master.*

The following papers were found on board the "*Veterano*" at the time of her capture:—

1. A Bill of Sale, dated at Cadiz, on the 30th of December, 1836, by which Mr. John White, of the English brig "*Veloz*," sold that vessel to Don Gabriel Lopez, the empowered attorney of Francisco Cardozo de Mello, of the Cape de Verd Islands, the purchaser declaring that she would henceforth be called the "*Veterano*," and sail under the Portuguese flag. This deed is written on paper, surmounted with a large engraving of the royal arms, and is certified and registered by Manoel de Souza Machado, the Portuguese Consul-General, and sealed with the consular seal.

2. A Provisional Passport from the same Consul, dated at Cadiz on the 3rd of January, 1837, authorizing the Portuguese brig "*Veterano*," of American build, owned by Francisco Cardozo de Mello, of the Cape de Verd Islands, and commanded by Felipe Gregorio, to make a voyage to Villa da Praia, of the Island of St. Jago, for the purpose of obtaining a permanent Portuguese register. On this passport there is no endorsement whatever.

3. A Log-book showing that the "*Veloz*," alias "*Veterano*," sailed from Santander to Cuba on the 2nd of July, 1838.

4. A Clearance from Havana for St. Thomas, dated on the 24th of September, 1838.

5. A Muster-roll of crew, dated at Havana, on the 25th of September, 1838, signed by the Captain, and certified by the American Vice-Consul, Mr. John A. Smith, who has added another certificate that Don Jacobo Belasco, a merchant of Havana, had appeared at the American Consulate, as the agent of F. C. de Mello, to declare his appointment of Carlos Estevao Sassetti, to succeed the late Master, Gregorio. It is remarkable that in this Muster-roll, which contains 33 names, not one single officer besides the Captain is mentioned.

6. Is an agreement between the Captain and crew, dated at Havana the day before the Muster-roll, and signed by several persons, whose names are not to be found in the Matricula.

7, 8, 9. Three passports, dated on the 25th of September, 1838, authorizing Don

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Antonio Gonzales Barrera, Don Angel Jimenes, and Don Estevan Mendoza, to proceed to St. Thomas on their private affairs.

10. Is a private Muster-roll, showing that the three persons, last named as passengers. were really the first, second, and third officers of the vessel.

In addition to the above papers, and to a large collection of correspondence, which will be noticed separately, the English journal of the proceedings of the "*Veloz*," previous to her sale at Cadiz, contains some interesting information. It is headed "Log-book of the brig *Veloz*," commanded by John White, and kept by John Pincombe, chief mate, commencing from the 22d of January, 1838. At this time the "*Veloz*" was lying in the West India Docks, taking in some cargo. On the 19th of February the "*Veloz*" left London for Cadiz, calling at Falmouth, where the greatest part of the cargo was shipped, and where she remained from the 24th of February to the 8th of March. The vessel arrived at Cadiz on the 19th of March, and immediately commenced discharging her cargo; and the Log concludes with the remark—"April 2d, at 9° 30′ a. m., the Spanish Captain, and Mate, and crew took charge of the vessel."

The last document, taken in connection with what we know of the former history of the vessel, completely falsifies the ship's Papers, the Certificates of the Portuguese Consul at Cadiz, and the Bill of Sale executed by Mr. John White, who, we are sorry to say, assisted most disgracefully in the manufacture of the fraudulent papers.

The brig "*Veloz*" was condemned at Sierra Leone in the British and Portuguese Court of Mixed Commission on the 16th of December, 1836, and was purchased at public auction on the 23d of the same month by Mr. Elias Deeper, a merchant of this place, for the sum of £360 Early in April 1837 the "*Veloz*" was registered here as a British vessel, and cleared out on the 14th of the same month for London, where she was registered, *de novo*, on the 12th of January, 1838. Further particulars may be learned, if necessary, from Mr. George Clavering Redman, a ship broker, of 48, Lime Street, London, to whom the vessel was consigned. From what has been stated above, it will be seen that the "*Veloz*" shortly afterwards took in a cargo at London and Falmouth for the port of Cadiz, and arrived at her destination on the 19th of March last. On the 2nd of April she was delivered over to a Spanish captain and crew, and within three months from that date she sailed for the Island of Cuba.

In opposition, however, to these facts, and in opposition to his own Log-book, Mr. John White declares that he sold the "*Veloz*" at Cadiz, on the 30th of December, 1836, four months before she left this colony for England, and more than 12 months before he received a British register for her in London. The false papers were all prepared in the office of the Consul-General, Machado, and are attested by the same parties who signed the equally false papers of the "*Diligente*" lately reported. The object of the fraud was also in both cases the same, namely, to escape from the operation of the Portuguese Decree, which would not allow of the "*Veloz*," a vessel of American build, and sailing under the British flag so lately as the month of March, 1838, receiving a Portuguese register. We can require no further proof of the insincerity of the professions of Portugal with regard to the Slave Trade, if she now overlook such repeated acts of villany on the part of her authorised agent at Cadiz—acts which, if committed by a private individual in a civilized community, would not only exclude him from all society, but render him liable to the severest penalties of the law.

The Provisional Register of the Portuguese Consul at Cadiz, only authorised the "*Veterano*" to proceed to Villa da Praia to obtain permanent papers. She nevertheless sailed direct to Havana, and was again at that place, in defiance of the Register under which she was navigated, cleared out, not for Cape de Verd, but for the Island of St. Thomas.

On the 18th ultimo the "*Veterano*," whilst still sailing under Portuguese colours, was captured by that indefatigable cruizer, Lieutenant Kellett, of Her Majesty's brig "Brisk," off the river Gallinas, whither, and not to St. Thomas, she had proceeded from Havana. On the 22nd ultimo, a prosecution was commenced against the detained vessel in the British and Spanish Mixed Court of Justice, on the ground that her real national character was Spanish, and that she was equipped for the Slave Trade in violation of Spanish law. Accordingly the Captor's declaration and affidavit of seizure were filed; a moniton was issued; the

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witnesses in preparatory were summoned; and the Surveyors to the Court were directed to examine, and report upon, the fittings and equipment of the prize.

To the numerous papers and letters, which were at the same time lodged in the Registry, it will not be necessary to refer at length, as a translation of the most interesting of them accompanies this report. The main points which they served to establish were, that the "*Veterano*" was owned by Pedro Martinez and Company, of Havana; that the Captain of her was not Sassetti, but Don Angel Jimenes, formerly Master of the "*Ingemane*," alias "*Lince*," and who was entrusted with the whole conduct of the expedition; and that the return cargo was intended to consist of from 400 to 500 slaves, for the supply of the Cuba market.

The correspondence respecting the "*Feroz Africano*," alias "*Diligente*," is particularly deserving of notice; not only because it proves the correctness of the judgment, formed by the Commissioners some time since, respecting the case of that vessel, but on account of the references which are made therein to the bribes given to the Portuguese Consul, and even to the subordinates of the British Consulate at Cadiz. It also shows that F. C. de Mello, of the Cape de Verds, who figures as the ostensible owner of so many Spanish-Portuguese vessels, was only a man of straw, and that three-fourths of the "*Diligente*" was owned by Messrs. Blanco and Carballo, of Havana, and the other one-fourth by Pedro Martinez, of Cadiz.

These letters also discover the facilities afforded to the trade by numerous vessels under the American flag, which carry out to the coast the necessary supplies of goods, and even articles of slaving equipment, and are readily insured at about 2½ per cent. The property embarked in a Slave Trade adventure is thus insured, both from capture and loss, during the whole of the outward voyage, at one-fourth of the premium, which would be paid upon the same goods, if embarked in a Portuguese or Spanish bottom.

The examinations on the standing interrogatories were taken on the 23rd ultimo; on which occasion Carlos Estevao Sassetti deposed, that "he was born at Lisbon, and has always lived there; is a subject of Portugal, and has never served any other State; that he was appointed to the command of the detained vessel, about two months ago at Havana, by a person named Seperiano, a resident there, and, as he thinks, a Spaniard; that he first saw the vessel there and then, and believes she is American built; that he was present at the seizure, but does not know for what reason it took place; that the vessel was sailing at the time under Portuguese colours, and there were no others on board; that the vessel is called "*Veterano*," and always has been so called since witness has known her; that she was formerly called "*Velox*," that she is from 110 to 120 tons burthen, that there were thirty officers and mariners on board, exclusive of witness, fifteen or eighteen of whom were Spaniards and the rest Portuguese, all hired and shipped by witness at Havana about two months ago; that neither he nor any of the officers or crew had any interest in the vessel or cargo; that he was Master on board; that there were four passengers, all Spaniards and seamen, embarked at Havana for St. Thomas, on what business witness does not know; that none of them had any concern or authority with respect to the vessel or cargo; that the last clearing port was Havana, where the voyage begun and was to have ended; that the vessel's papers destined her to St. Thomas, but she called at the Gallinas for water and fresh provisions; that the owner of the vessel was one Francisco Cardozo, a Portuguese, residing with his wife and family, also Portuguese, at Porto Praia, Cape de Verds; that Seperiano laded, and is consignee of, the cargo, of which Cardozo is the owner; that the hatches are fitted with open gratings, which witness found on board on embarking, and does not know for what purpose they were intended; that the combings of the hatchways have been bored, but the holes are now filled up; that there are thirty round iron bars on board intended and fit for securing the hatches; that there are three bulk-heads; that there may be about 150 spare planks or upwards on board, from 13 to 14 feet long, and two inches thick, not numbered or fitted to the vessel, but carried as cargo by desire of Seperiano, although they are not included in the manifest; that there is a large bag on board full of shackles, amounting to 100 pairs, which were put on board by Seperiano, and which witness carried in order to sell to slavers on the coast, whom witness knew to be in want of such articles; that there were ten leaguers on board, with staves for casks, which might have been capable of receiving 50 pipes of water; that the said casks were intended chiefly for palm oil; that there were 60 mess tins intended for the use of the crew, and to convey palm oil from the coppers, in

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which it was to be boiled on board, into the several casks; that there are two large iron boilers, four feet square, and five feet in depth, intended for boiling palm oil.

The Mate's evidence is merely an echo of that of the Master, with which it agrees in admitting the fact of illegal equipment for the Slave Trade. Both witnesses stated that the agent, the lader of the outward cargo, and the consignee of the return cargo at Havana, was a Spaniard named Seperiano, who also appointed the Master, Sassetti, to the command of the vessel in September last. The American Vice-Consul at Havana (Paper No. 5) states, on the contrary, that it was a Spanish merchant named Don Jacobo Belasco, by whom the appointment of Sassetti was made.

A claim for the detained vessel and cargo was made on the 28th ultimo, and on the following day the Monition, issued on the 22nd ultimo, was returned into the Registry.

The claimant's Proctor having declined, after some time, to produce further evidence, or to cross-examine the witnesses, who had been called on behalf of the captor, a Court was summoned for the 11th instant, on which day a sentence of condemnation was passed upon the "*Veterano*," on the grounds that the ownership of that vessel was positively fixed upon the house of Pedro Martinez and Company of Havana, and that her slaving equipment admitted of no question; indeed, was fully acknowledged by those serving on board of her.

(Signed) H. W. MACAULAY.
R. DOHERTY.

Sierra Leone, December 15th, 1838.

Second Enclosure in No. 15.

Translation of some of the Papers and Letters found on board the brig "Veterano," *Carlos Estevao Sassetti, Master.*

No. 1.—*The Bill of Sale made at Cadiz.*

Consulate-General of the Portuguese Nation at Cadiz.

Bill of Sale made by Mr. John White of the brig "*Veloz*," his property, which henceforth shall be called "*O Veterano*," to Don Gabriel Lopez, as empowered attorney of Francisco Cardozo de Mello, of Cape Verde.

In the year of the birth of our Lord Jesus Christ 1836, on the 30th day of the month of December of the said year, there appeared at this Consulate-General of the Portuguese nation, as seller, Mr. John White, of the English brig, denominated "*Veloz*," of the burthen of 110 tons, and of American build, now riding at anchor in this bay; and Don Gabriel Lopez, merchant of this place, with a sufficient power of attorney made (in the office of Raphael Salgado de Pina, a notary public of this place) by Don Francisco Cardozo de Mello, a Portuguse subject, of the island of Santiago, town of Praya, in Cape Verde; and, in the presence of the subscribing witnesses, the said Mr. John White declared, that the aforesaid brig was sold with all her appurtenances and fittings up, according to the inventory, for the sum of 1500 Spanish dollars, to the said Don Gabriel Lopez, of whom he acknowledges to have received the above-mentioned sum, and that he is paid and satisfied. In consequence of which, he renounces and gives up his right and title to the said brig "*Veloz*," with all her rigging, sails, boats, oars, and everything that appertains to her, to the above-mentioned Francisco Cardozo de Mello, whom he now and for ever constitutes absolute owner; the said seller binding himself to that effect, notwithstanding any claim whatsoever that may be made to the same brig. In like manner, Don Gabriel Lopez declared, that he was satisfied with the whole of the contents of this writing; accepting the property of the brig "*Veloz*" for his appointer, Francisco Cardozo de Mello, to whom it lawfully belongs, and declares that she will sail under the Portuguese flag, which belongs to her, and will be called "*O Veterano*;" and both parties being agreed, signed with me this instrument; as also the witnesses, all of whom I know to be the persons they state

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themselves to be. And in order that it may so appear, I deliver the present original document, sealed with the royal consular seal, and having been registered.

Seller,
(Signed) JOHN WHITE.

Buyer,
(As Attorney of Don Francisco Cardozo de Mello,)
(Signed) GABRIEL LOPEZ.

Witnesses,
(Signed) MANUEL VEGA JOSE BENJO.
R. M. DE SOUZA MACHADO,
The Consul-General.
(Signed) MANOEL DE SOUZA MACHADO.
(L. S.) *Registered.*

No. 2.—*Provisional Passport for the Vessel, from the Portuguese Consul-General at Cadiz.*

(*The Royal Arms.*)

Manoel de Souza Machado, Consul-General of the Portuguese Nation, in the kingdom of Spain and Canary Islands, residing in this garrison of Cadiz, for Her Most Faithful Majesty the Senhora Dona Maria the Second, whom God preserve, &c.

I make known that the Portuguese brig, called "*O Veterano*," American built, of the burthen of one hundred and ten tons, whose Captain is Fillipe Victoria, and owner Francisco Cardozo de Mello, of the Portuguese nation, established in the Island of Santiago, town of Praya, in Cape Verde, is proceeding to that Island to obtain from the authorities of Her Most Faithful Majesty the documents necessary to enable her freely to sail, without any foreigner having any share in the said brig. And as in her voyage she may be met by the Chiefs and Officers of the ships and other vessels of the Kingdoms, Friends, and Allies of the Crown of Portugal, we request that they will not impede her in continuing her voyage, in the certainty that to those recommended by their own Princes, shall be shown the same and equal treatment. And in order that it may so appear, I have signed the present passport, which is sealed with the royal consular seal. Cadiz, this third day of January, 1837.

N. B. The aforesaid brig retains the following arms, which she had on board when she was bought; two cannon of the calibre of 12, with their appurtenances; eighteen large musketoons; an equal number of sabres; and six pistols.

(Signed) MANOEL DE SOUZA MACHADO.
(L. S.) Registered.

No. 3. *A Printed Circular of Messrs. Pedro Martinez and Co., addressed to Don Angel Jimenez.*

SIR, *Havana, 31st December,* 1836.

As the partnership which we had entered into with our principal, Señor Don Pedro Martinez, residing in Cadiz, expires to-day, we are from this day separated from the management and direction of the business of this his house, and the new partners are charged with the accounts, according to the accompanying document. We beg of you to grant them the same confidence that you, in their time, showed to your most grateful and obedient servants,

(Signed) PEDRO MARTINEZ & Co.

Señor Don Angel Jimenez.

SIR, *Havana, 1st January,* 1837.

My firm in this place having been dissolved, by virtue of the annexed circular, I have determined upon the formation of a new one, which from this date I substitute for it, under the same denomination of Pedro Martinez and Company;

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conferring the direction on my nephew, Don Cipriano Lopez Martinez; the partners being the same Don Francisco Riera, who was partner in the former, and Don José Rainon Recur. I again offer you the services of this new establishment, which is charged with the liquidation and responsibilities of that which is dissolved.

As a branch of this, I also offer you its social dependency at Matanzas, which will continue in the same order in which it was established at the institution of the partnership now extinct, under the same denomination of Pedro Martinez and Company, and the responsibility of the principal; the direction being entrusted to Don Francisco M. de Bernoya, Don Pastor Perez de Terau being interested in it.

The change will not alter the mode of doing business in my said house, either in its own transactions or in business of commission, for, besides being assisted by the knowledge and credit of the new partners, I assign to each house a sufficient capital to guarantee its transactions.

Be pleased to take a note of the respective signatures of the house here, and that which the dependency at Matanzas will continue to use, disposing as ever of

Your most obedient and faithful servant,

&c. &c. &c.

(By general power from Pedro Martinez, absent at Cadiz.)

(Signed) CIP. LOPEZ MARTINEZ.

Then follow the signatures used for the firm by the three different partners, C. L. Martinez, Francisco Riera, and Francisco M. de Bernoya.

No 4. *Letter from the same to the same.*

Señor Don Angel Jimenez, Havana.

SIR, *Havana January 2nd*, 1837.

ON their retirement from business, our predecessors, on the 31st of December past, turned over to us the balance of your account, to the amount of 14,966 dollars in your favour, which we have credited to you as the beginning of an account current, which we have opened with you.

We request that you will be pleased to inform us if we have acted according to your wishes, and remain

Your most obedient servants,

(Signed) PEDRO MARTINEZ & Co.

No. 5. *Letter of Instructions, from the same to the same.*

Señor Don Angel Jimenez.

SIR and FRIEND, *Havana, September 26th*, 1838.

As it is so near the time of your departure, which is to take place to-morrow, should the weather permit, with the vessel under your command, the "*Veterano*," we write this to communicate to you what occurs to us at the moment, as likely to contribute to the undertaking entrusted to you.

Although the point of your destination is the Bras, according to the information which you will there receive of the Calabars, you will proceed thither to make your traffic; and if that cannot be accomplished, you may choose the place that may appear to you the most convenient, for we rely upon your intelligence, experience, and the great desire with which we are persuaded that you are animated for the best result.

As rice, you are aware, is here at a very exorbitant price, and as you will arrive at your destination in want of provisions for your return, and will have to make up for the want of them with rice; on that account you should, in going, shape your course so as to touch at the Pongo, or on the coast of Gallinas, and you will buy what you think necessary for your return cargo, for which purpose you may apply part of the specie which you carry, or of the articles of barter, which ever you may think best.

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On which account, and as you will have to pass by the coast of Malagueta, you will touch at Gallinas, where you will deliver the enclosed packet of our correspondence to Don Jozé H. Alvarez; who, if by any unforeseen circumstance, he should be without vessels at his disposal, and should have collected four or five hundred slaves, (bultos), will receive from you the merchandize which you carry, and you will place at his disposal the vessel, and remain yourself there, to await the first vessel that may go to load at that factory, in which you may re-embark the merchandise landed from the "*Veterano,*" and proceed with your undertaking at the place intended.

The Portuguese Government has given directions to the respective authorities in its dominions, to take away their papers from vessels under her flag, which arrive at her ports, or have been found by the vessels of war of that nation to have on board suspicious articles, or such as indicate the trade in Slaves; and you will bear this circumstance in mind, and invariably fly from every sail, and avoid touching at any island, or place, where the vessel may be compromised.

We must also inform you, that in case, in coming out, you should suffer any damage, you must on no account enter any port belonging to the United States, for there the adventure would be confiscated, of which there have been instances. On which account, if you should be compelled to go into port, on account of damage, or from any other cause, you may do so at Porto Rico, or Saint Thomas'; consigning yourself at the former place to Don Pedro Enarche, and at the latter to Don Jozé Ybern; and either of them, on being informed that we are interested in the undertaking, will provide you every necessary assistance, and whatever may be the amount, you may draw upon us for it at sight.

As to the route you are to take on your return, you may pass either by the southern or northern coast, whichever may appear to you more convenient, according to the weather and the circumstances in which you may be at the moment; and the landing your cargo may be effected, in case you should come by the south, at the point of Guanimar or some other in that neighbourhood. If it is at Guanimar, you will find pilots posted at Rocky Key, Crocodile, Isle of Pines, and French Key, and you will direct yourself to Don Jozé Miro Pié, but if you should come by the north, you will land your cargo at one of the places between this and Matanzas, or else between Camarioca and Mariel; it being clearly understood, that wherever the landing may take place, you will immediately despatch a messenger to us with the number of slaves (bultos), classes, and other particulars, in order that some person from this, your house, may be sent to receive them. As you are well aware of the care which is necessary for the cargo to arrive in good condition, as on that depends its greater or less value, it appears to us superfluous to recommend to your experience the best possible treatment. At the same time, we must enjoin upon you extreme vigilance with the slaves (bultos) for fear of an insurrection, of which there have been instances, but which I hope your care will prevent. We also recommend to you, above all things, the greatest order among the crew, and in the distribution of provisions, to enable them to last the time. From want of these precautions, dissensions often arise, which produce most fatal results.

You are of course aware that, in the voyage back, the greatest vigilance is necessary, and a good look-out must be constantly kept; and the moment a vessel is seen, there must be no hesitation as to what she may be, for in such cases misfortunes have constantly happened; but the resolution must be at once taken to fly, while there is time to do so; for if you hesitate, you are lost.

In case you should be pursued while coasting this island, and should be obliged to run ashore, you will take care to save the ship's papers on your own person, as also any letters or documents, and in case of great misfortune, they must be sunk in the water.

Besides the vessel under your command, the "*Veterano,*" we shall probably send off, 20 or 25 days after your departure, the schooner "*Lavandeira,*" in order that she may arrive at the place where you are about to make your traffic for the other. If she should arrive there before you have finished, (though you must on no account delay for her), you will in that case remain in the schooner, and the "*Veterano*" can come in charge of the mate, if you think him competent, giving him the instructions, and any additional ones you may think fit. The "*Lavandeira*" will sail from hence, as I have mentioned, for Gallinas, and as you will have to touch there, she may either remain or proceed immediately, according to the instructions she may find there from you. In case we should determine on de-

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spatching another vessel after the *Lavandeira,*" we shall write to you by her what it will be necessary to do.

If you should meet with any vessel belonging to this, your house, in want of any thing, we hope you will assist her to the utmost of your power; and you may also demand assistance, should you be similarly circumstanced; for all the Captains have directions to that effect, and you are also particularly recommended to the factor at Gallinas.

Accompanying this, we transmit to you the papers relating to the vessel; namely, the Certificate of ownership, Muster-roll, Clearance, and Register. These you will endeavour to keep together, for fear of their being mislaid. We also send the contract of the crew, an account of the cargo, and another of the provisions, which we enclose to you for your guidance.

Relying upon your ability and vigilance for the success of the undertaking, we do not doubt that your care and foresight will endeavour to supply, in case any unforeseen circumstance should take place, any want of more specific instructions from us, acting in the same manner as if the business were your own; we therefore conclude, remaining your most obedient humble servants, and affectionate friends,

(Signed) P. M. & Co.

No. 6.—*Letter from the same to Don Jozé H. Almarez.*

(Duplicate.) *Havana, September 15th,* 1838.

Sir,—By the American brig "*Mary Jane,*" which sailed on the 1st instant, we transmitted to you our correspondence up to that day, entrusted to the care of Don Cristoval Aragon. We now write by the opportunity of the American brig "*Comet,*" on board of which we have embarked, consigned to you, two hundred and ninety jars of rum, as appears by the annexed bill of lading, granted by the Captain of the brig, H. Dickinson, which, on its arrival, you will have the goodness to receive, and apply to the concern under your charge, on account and at the risk of which we make this invoice.

We have just learned the arrival at Camarioca of the schooner "*Amable Salomé,*" belonging to Blanco and Carballo. When we have had the pleasure to receive your letters, we will answer them, if there be time, by the "*Comet.*"

According to what Blanco and Carballo say, they send this vessel with rum and tobacco to their factory; but as she had room left in her stowage, they offered to take our demijohns, so that we have availed ourselves of the opportunity. It has not been possible to embark the planks which you asked for, but, as they are ready, they shall go by the first vessel.

The day before yesterday we had the pleasure to hear of the arrival of the "*Cleopatra,*" now the "*Lavandeira,*" at Guanimar, from the River Pongas. We expect her cargo here to-morrow.

If you sent any letter of importance by the "*Rosalia,*" and did not send a duplicate, we are sorry to inform you that she was taken on the south side of the island; and therefore whatever letters you may have written to us have not come to our hands.

The "*Dido*" has not made her appearance, nor any other vessel from Onim; but we hope that the "*Alexander,*" as soon as she has landed the merchandize, which she carries for the "*Papagayo,*" at that place, will proceed to your port to deliver to you the eighty hogsheads of tobacco, which will suffice you for the present. Nevertheless, we have just sent for some more from Orleans, for the purpose of shipping it off when you mention that you require it, or we should be of opinion that you do. But what we shall despatch to you, as soon as possible, is some rum, which you will want much sooner, notwithstanding the shipment we now make to you.

We remain, your most affectionate friends, and very obedient servants,

(Signed) PEDRO MARTINEZ & CO.

Bill of Lading enclosed in the last Letter.

I, Mr. Dickinson, Captain of the American brig "*Comet,*" now riding at anchor in this port of the Havana, and about to sail for the anchorage of Gallinas, declare, that I have received on board of the said vessel, from Messrs. Pedro Mar-

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tinez & Co., 290 demijohns of rum, which I acknowledge to have been delivered at the vessel's side, in a satisfactory manner. In the same state, as soon as I arrive in safety with the said vessel, I oblige myself to deliver them at the aforesaid port, or at that in which my register may be accomplished, to Don José H. Alvarez; who, on my faithfully delivering the same, is to satisfy me for the freight and carriage, in the sum of four reals for each, payable in the Havana, as soon as advice is received of my faithful delivery of the goods. For the accomplishment of which I oblige my person and goods, according to the practice and law of commerce, signing four of this tenor, one to be accomplished.

(Signed) H. DICKINSON.

Havana, September 15*th*, 1838.

I will not be answerable for damage or breakages.

No. 7.—*Letter from the Same to the Same.*

(Duplicate.)

Señor Don José H. Alvarez, Gallinas.

Havana, September 19*th*, 1838.

ESTEEMED FRIEND,

WE have just received your two esteemed letters of July, without the date of the day, by the "*Salomé;*" and as the "*Comet*" will sail to-morrow, we avail ourselves of the opportunity to answer them.

We rejoice at the happy arrival at your port of the "*Constanza,*" Captain Juan Prats, and at the pains he was taking to send her back as soon as possible; on which account, in a few days we shall expect her return.

We are happy that you received the articles which we sent to you by the said schooner "*Constanza,*" according to the demand you made for them. Whatever you require, whether provisions or other articles, you may always send us lists of requisition, in order that there may be no mistake, and that none of the essential or necessary articles be wanting. We are also pleased, that all the remittances of money by the "*Constanza*" were delivered to the persons for whom they were respectively intended, proper receipts being taken.

We approve of the idea which you had of buying the pilot-boat "*Feliz,*" for she was a good vessel; but we see that it could not have been carried into effect, in consequence of the event which took place of her being lost.

At the same time we hear with satisfaction the arrival at your port of the "*Veloz,*" and approve of your determination to apply the rum which she carried to that commerce; as well as that the other articles, contained in the account that accompanies this letter, should go on in the vessel to her destination at Onim; and that by her you would write whatever you may consider of importance, and whether you thought that the factor at that place would require a vessel or not.

We perceive that the "*Feroz Africano,*" of Cadiz, had just arrived at that anchorage, but find that you still had not received the letters of Don Pedro. You will do well to attend to whatever observations he may make to you at any time.

By the contents of your two above-mentioned letters, relative to the request that we made to you, to give us what information you could of the proceedings of Don Francisco R. Rodriguez, when he thought proper to delay giving up to you that establishment, in spite of the order of the master of it, and the principal of our house, we most sincerely thank you; as well as for the information which you furnished to us touching the cargo of slaves (bultos) which the said Rodriguez sent by the schooner "*Constanza*" as a speculation of his own, while he was still in charge of that establishment, and on that account prohibited from any private speculation.

Although it is now two months since the said Rodriguez arrived, and since we asked him for the accounts which he ought to have balanced, in order that they might be definitively settled between us, he has not yet presented them for that purpose; but some day or other he must do so, and we hope that they will be in such a state that we may be able to come to some arrangement with him; for if he do not, as far as appears at present, we have discovered enough of him to prevent any possibility of our passing it over.

We have noticed the unfortunate occurrence that took place at the embarka-

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tion of the cargo of the "*Veterano*"—the loss of the slaves (bultos) on the bar of the river. But as it could not be avoided, no more can be said about it.

We see with pleasure the happy arrival at your port of the American brig "*Alexander*," and that she had landed, and you had received, the eighty hogsheads of tobacco which we sent by her on account of her commerce, but regret very much the damage done to those hogsheads at the bottom of the hold. We also saw that this vessel had sailed for Bahia, according to the instructions of the factor at Onim, and are glad that you assisted Captain Hill with the provisions that you mention.

We are of opinion that the business of factories on that coast, at least for the present, will suffer very much from competition; but as we do not think that there has been so much perseverance as you have shown in the business under your direction, it appears to us that the others will not be permanent; for undertakings of such a nature require the greatest attention, and also, above all, ample funds; and as no one can reckon upon what you will possess successively, we flatter ourselves that at last the business under your charge will become, owing to your ability and vigilance, the principal one for commercial transactions. Do not, however, neglect to inform us of every thing that takes place.

Besides the factory under Riera and Grassi, it appears that Aragon, who went out in the "Mary Jane," took merchandise with him to establish a business for those of Abarzuza and Azopardo; but from the reasons just stated, we do not think that this need alarm you beyond a certain point, and particularly as we reckon upon the foresight, with which you will endeavour to thwart their views.

If we are so fortunate as to find that the "*Constanza*" arrives soon, we shall send her back at once, fearing that, unless you wrote to Onim for the "*Veloz*," or some of the other schooners to return, after despatching the "*Constanza*" you may be in want of a vessel; and if the "*Constanza*" should not arrive soon, we will send off the first that comes.

Having nothing further to communicate for the present, we remain,

Yours, &c.

(Signed) PEDRO MARTINEZ, & Co.

No. 8.—*Letter from the Same to the Same.*

(Original.) *Havana, September* 26, 1838.

Señor Don José H. Alvarez, Gallinas.

ESTEEMED FRIEND,

WE forward to you the duplicates of our last of the 15th and 19th current, of which the originals were sent by the American vessel "*Comet*," which sailed on the 20th.

We avail ourselves of the opportunity of the brig "*Veterano*," whose captain, our friend Don Angel Jimenez, has our instructions, in his passage along the coast to the place of his destination, to touch at your port, and deliver to you our letters; but if it should so happen that you should be without a vessel, and should have 400 or 500 slaves (bultos) actually ready, the captain is desired to put his vessel at your disposal, and deposit in your hands the merchandise which he carries, which he will re-embark in the first vessel which we may send to take in cargo at that factory; and instead of her doing so, the said Jimenez may continue his voyage in her to the place of his destination.

As there are other persons interested in the undertaking of the "*Veterano*," although it might easily be settled, nevertheless we should wish that, only in the event of your having the said quantity of slaves (bultos) actually prepared, you should make use of her; but in that case do not hesitate to do so, for, although the moment the "*Constanza*" arrives from thence, and the "*Dido*" from Onim, we shall despatch them to you, still, for fear anything should occur, you ought to seize the opportunity to prevent the accumulation of slaves (bultos) where you are.

From the aforesaid Jimenez, you will learn the order of the destination of the said expedition, which we have confided to his charge. In going, he will touch at the Pongo, or your coast, with a view to buying rice for his return passage. If there should be any difficulty in procuring the necessary quantity, and you should happen to have any left, which you can spare, or any other assistance which you

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can give the said Jimenez, we shall he obliged by your giving it to him, provided it cause no detriment to the concern under your charge. Besides the "*Veterano*," as a sequel to the same undertaking, we intend to despatch the "*Lavandeira*," formerly the "*Inez*," in twenty or twenty-five days, which, in going to Bras (which is her destination), will touch at your port, to leave our letters, should anything particular occur to be communicated to you.

We are momently expecting the "*Constanza*," from what you were so good as to write to us by the "*Salome*," but are rather anxious, in consequence of the late heavy gales, which, following the equinox, have taken place during the last few days, and have caused the loss of several vessels; but there is at the same time this advantage, that there is but insignificant care taken, but the moment the stormy weather is passed, vigilance is redoubled, as is always the case.

Having nothing further to communicate at present, and hoping soon to hear from you, we remain,

Your, &c.
(Signed) PEDRO MARTINEZ & Co.

No 9.—*Letter from Messrs. Blanco and Carvallo to Don Tomas Rodriques Buron.*

(Duplicate.) *Havana, September* 13, 1838.

Don Tomas R. Buron, Gallinas.

MUCH ESTEEMED SIR AND FRIEND,

WE forward to you a copy of the statement of cost and refitment in Cadiz of the brig "*Feroz Africano*," sent out to that destination by our mutual friend Don Pedro Martinez, at the end of the month of June last, the final expenses of which, according to the said statement, are 19,963 dolls. 20 rls.; and as you are interested in half the vessel, we have debited you with your proportion, namely, 9,981 dolls. 60 rls., and also with 798 dolls. 52 rls., the amount of the difference of exchange at the rate of eight per cent. according to the currency of Cadiz.

It is very clear that this new charge, united to the preceding one which we made for the purchase here of the said vessel, the merchandise which the "*Emprendedor*" carried, and the result of the voyage to Malaga, forms half of the total cost of fitting out the "*Feroz Africano*," in which you are particularly interested, without noticing the occurrences to Cadiz, in which, according to the statement of our friend Martinez, the Captain, Don Miguel Bertinote, was principally concerned; for which, and the great and annoying expenses occasioned thereby, on the vessel's sailing from thence to your port, we think that our friend ought to make him answerable.

With regard to making use, or not, of the aforesaid "*Feroz*," we do not see any necessity for our giving you any directions; you, being one of the persons principally interested, and holding an equal rank in the firm which we represent, will doubtless decide upon what may be most advantageous, according to circumstances; it being an undertaking of so much consequence, and one in which you are so personally interested. You must, however, bear in mind that, whatever may be the result of despatching this vessel, it has not taken place according to our opinion; for, as we told you before, our idea was to employ her in some legal voyages, until you asked for her, for the purpose of bringing here the proceeds of the merchandise sent to you by the "*Emprendedor*;" and certainly we should have abided by that determination, even though you had delayed asking for her, for one or two years. But our friend Martinez, to whom also we owe deference, as a person concerned in a fourth of the undertaking, wrote to us to send her to Cadiz with sugar; which was done accordingly. But the most extraordinary thing is, that he then writes to us, on no account to send any more vessels to that place for the same purpose, when we should certainly not have done so at all, if he had not expressly asked us to do it.

Judging impartially, and speaking unreservedly, it appears to me, that he ought not to have sent off the "*Feroz Africano*" with so much precipitation; but, on the contrary, should have detained her at Cadiz till the beginning of October, as he well knew the number of vessels with which you were occupied. But when business becomes complicated, it appears that the Devil blindfolds our eyes, in order

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to clench the nail. There is nothing extraordinary in that; I hope, however, that as the affair proceeds towards its termination, God will make it more propitious to us.

We have purchased the "*Espartero*" at auction for 3100 dollars, and are preparing her for what she may answer for, or else to sell her to advantage.

The "*Resolucion*" arrived on the 1st instant, and is discharging her cargo. She has brought nearly to the amount of 3800 dollars.

We have already advertised her for Cadiz and Barcelona, intending to despatch her from the 5th to the 10th of October, with what freight can be procured. For, only in case of finding it necessary to get rid of it, shall we embark any sugar on our own account, or for the purpose of providing funds for our friend Martinez in Cadiz, as bills upon London keep up at 15 per cent premium.

We have not endeavoured to sell the "*Resolucion*," for she has now stood us in a price that nobody will pay, what with cutting down her masts, and her arrival at Cuba. However, there is no merchant vessel superior to her. Her only fault is that the cabin is too small, and cannot accommodate many passengers, which is what gives most profit just now. Neither are we anxious to sell her, till we can see whether she is likely to repay us anything for the great outlay that we have made for her, by sending her a few voyages first.

We are going to send the "*Triumfante*" to New Orleans, to take in cotton for Barcelona; for we think that in this article you will be able to make a better bargain than by sugar. She will touch at Cadiz to receive orders from our friend Martinez, in case you should think fit to communicate any to him relative to the said vessel, or her going to any other place, to take a flag which may not have been worn out by the Señor Martinez de la Rosa.

The "*Amable Salomé*" we are expecting daily. May God bring her happily, and preserve you as well and happy as your affectionate friends desire.

The 17*th*.—We have the pleasure to announce to you that yesterday we received agreeable news of the safe arrival at Camarioca of the "*Neuva Amable Salomé*," although we did not hear the number of slaves (bultos) which she disembarked. In order to ascertain it, our Carvallo proceeds to-morrow to Matanzas, and will endeavour to sell them there, if he can do it to advantage.

We have not yet received the letters. Do not, therefore, be surprised at our not answering them by this American brig "*Comet*," which we are sending to our mutual friend, your commercial brother, Don Ignacio P. Rolo, with tobacco and other effects which he had asked for.

Having nothing further to mention at present,

We remain, &c.

(Signed) B. AND C.

Enclosure in No. 9.

(*Duplicate.*)

Statement of the Total Cost of the Brig "*Feroz Africano*," Captain Don Miguel Bertinote, in her Voyage from hence to Gallinas, consigned to Don Pedro Blanco.

	Reals.	Dollars.
Value which I affix on this vessel, in the state she was in, which sum I guarantee to Messrs. Blanco and Carballo		6 000 0
For sea-tools applied to this vessel		139 55
Gratifications to the Portuguese Consul, the Commissioner of our own nation, the Commandant of Marine, and other persons concerned in despatching this vessel		750 0
Compensation to Capera for his time		100 0
Accounts of the Captain	25 241 0	
Advances	16 880 0	
To Capera's account of the rigging, cotton things, and the like	30 261 0	
To Pordam's account of casks	4 793 0	
Pilotage	1 539 30	
Noviega's account for planks for the deck	1 015 20	
Guvierre's do. for biscuits	6 535 0	
For 6 ggrs. of diet	900 0	
Guvierras, for stores	2 060 0	
Chira, for cartage	1 660 10	
Parodi for labour	1 144 0	
Carried forward	92 028 60	6 989 55

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	Reals.	Dollars.
Brought forward	92 028 60	6 989 55
Veles Rubin, bill for iron	0 350 0	
Elers, for repairing instruments	0 80 0	
Provisions for the sailors' mess	26 202 0	
Zulueta, for gunpowder	0 600 0	
Beca, account for sails	15 668 22	
Bernejo, do. for water and other things	1 194 06	
Viana, do. for wood	2 100 0	
Bozo, do. for cordage	6 833 17	
Soto, do. for casks	2 958 17	
Fernandez, do. for iron-work	5 622 24	
For the small boat	2 210 0	
Montal, for naval stores	4 210 19	
Zacasuga, for the cook-house	6 130 17	
For irons for do.	0 401 0	
Rosinol, account for rice	9 167 0	
Maten, do. for grocery	0 807 0	
Lobo, do. for tin-ware	1 166 0	
Joster, for paint	0 790 0	
Espachini, do.	0 797 17	
For sawing staves for casks	0 486 17	
21 barrels of salt beef	8 400 0	
Astiparti, account for boards	0 603 17	
Trigoyen, do. for arms	2 985 0	
Acampo, for a mast	6 400 0	
Lomergan, for cask-staves and hoops	5 509 17	
For the launch	1 369 0	
For cartage of 40 packages of iron hoops for casks	0 40 0	
Duty of 10 per cent. on the staves of the casks	0 420 0	
4 baskets of coals	0 128 0	
A carbine	0 80 0	
Paid to the major-domo for the daily expenses, in different sums	2 020 0	
For taking a-board the crockery-ware	0 271 0	
Fees to health-officers, Captain of port, and on sailing	0 647 18	
Duty on 1000 cigars charged in the sea-register	0 130 0	
Waterman's bill	0 580 0	
2 pipes of wine	1 000 0	
14 barrels of rum	1 400 0	
2 demijohns of aniseed brandy	0 90 0	
Provisions purchased in the market	0 66 0	
Do. do. do.	0 45 0	
A launch backwards and forwards to the ship	0 423 0	
Provisions purchased in the market	0 66 0	
Do. do. do.	0 80 0	
Paid on passport being returned	0 60 0	
To the Captain, for labourers' wages on the last day	1 900 0	
Advances to the cooper	0 750 0	
To the light-house	0 100 0	
For fresh meat, and putting up again the salt meat	0 640 0	
Biscuits	0 495 0	
Messages and sundry minor expenses	0 200 0	
Gratification to the Pilots Francisco and Pedro Bonieta	0 480 0	
A felucca that carried a-board the order to hoist the flag	0 40 0	
For raising the anchor	0 340 0	
For raising the large anchor	0 80 0	
Expense of anchor in depth of stowage	0 110 0	
To La Barca for sundries for delivering suspicious articles	12 749 0	
To our friend Joaquim for 5 double days' work	0 200 0	
To Don J. C. for (trasbordo)	0 640 0	
Custom-house expenses and sundry cartages	0 343 17	
Don Miguel Garcia's account	4 637 21	
R^on	236 324 0	11 816 20
Gratifications in the office of the Maritime Captain-General, in that of the Señor Naval Commandant, to the person who interceded with the English Consul to smooth things as far as possible—(à el que ha intervenido con el Consul Ingles para lizar hasta donde fuese posible lo de otros procedimientos cuales no los primitivos)		0 576 0
		19 381 75
For commission on 19 381 75 dolls. at 3 per cent. of the value		0 581 45
Total value in dollars		19 963 20

Distribution.

To Messrs. Blanco and Carvallo for the share of three-fourths of the undertaking	14 972 40
To the subscribers for the share of one-fourth part	4 990 80
	19 963 20

Cadiz, 19th July, 1838.

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N.B. The assurers have signed papers binding them to satisfy the persons concerned, to whom copies are not sent, as time does not permit.

(Signed) PEDRO MARTINEZ.

No. 10.—*Letter from the Same to Don Ignacio Perez Rolo.*

Original per "*Comet.*"
Duplicate per "*Veterano.*"

Señor Don Ignacio Perez Rolo, Gallinàs.

SIR, *Havana, 17th September,* 1838.

IN consequence of the request which we made to Messrs. M. S. Cuculla, Lapeyre, and Co. of New Orleans, to freight a vessel there on account of you, and send her to this port, with forty hogsheads of tobacco, a few days ago the American brigantine "*Comet,*" Captain Dickinson, arrived with the said tobacco, and made up by those gentlemen exactly in the manner expressed in the accompanying contract.

On that account we have embarked here the remaining articles mentioned in the annexed note and bill of lading, reserving for another opportunity sending the different invoices with the cost and expenses of the whole. We also send you, in the "*Comet,*" a barrel of small cigars, which your brother Don Jeronimo delivered to us for that purpose. The rum goes in quarter casks, barrels, and ankers. This arrangement was indispensable, in order to avail ourselves of the whole stowage of the vessel; and that we might not pay freight uselessly, we have augmented the equivalent of the thirty pipes which you have asked for, in your note already mentioned, and have added a double number of bars of iron, and 300 boilers of the same metal, which we think will not be injurious to the traffic to which you destine that merchandise.

We have also received on freight 290 demjohns of rum from Messrs. Pedro Martinez and Co., which they will pay for at the rate of four reals each, when we receive here the news of the arrival and delivery of them at your port, when we will credit the amount to you, and advise you of it.

Yesterday we had the gratification to hear from Matanzas the safe arrival at Camarioca of the "*Nueva Amable Salomé,*" in consequence of which our partner, Don Lino, starts to-morrow in the steamer "*Almendares,*" in order to take charge of the slaves (bultos), which may have been landed, and try if possible to dispose of them advantageously on the spot.

We have nothing more to communicate at present, except again assuring you that we are your most affectionate friends, and faithful servants.

As soon as the 290 jars of rum, which the "*Comet*" takes to the consignment of Don Jozé H. Alvazez, have been delivered, you will have the goodness to require from him an order for the payment here of the freight, and remit it to us.

The 26*th.*—By the American brig "*Comet,*" which we despatched to you on the 20th instant, with the tobacco and other articles which you asked for, we had the pleasure to inform you of the happy arrival at Camarioca of the "*Nueva Amable Salomé,*" and now that we have received your two esteemed letters, which you sent by that vessel on the 30th of July, we make use of the first opportunity to answer them, which is that afforded by the brig "*Veterano,*" which will touch at your port. Among the many particulars of which they inform us, our attention has been particularly called to the serious illness of our mutual friend, the principal of our establishment, Señor Don Pedro, who notwithstanding, has himself written to us, and mentioned that he was better. Nevertheless we shall be by no means tranquil till we hear that he is perfectly restored to his former good health.

The aforesaid "*Salomé,*" did not land at Camarioca more than 253 slaves, (bultos) of whom twenty-seven were sick, and seven of them died soon after they were landed. There also perished during the voyage, seventy-four others, so that we shall with difficulty get back the cost of the enterprise; for we have to account for the fourteen that were sent as freight, belonging to Don Mariano Dias, Don Joaquim Sanchez, Don Jozé de Abarzuza, and Don Francisco de Grassé.

The captain said in answer to the observations and accusations that were made against him, that there were about 100 slaves (bultos), embarked at your port infected with the putrid fever, and that all the precautions that he could use on

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board did not suffice to stop the mortality, so that we may say that only half have been saved of the number that ought to have been yielded by the abundant and well-assorted barter put on board, calculated to produce more than 400 slaves (bultos). But, my friend, the undertaking was ours; and on that account, or for some other reason, which it is impossible for us to guess, it could not end otherwise; therefore let us bear it patiently.

As we have already said, the "*Comet*" is on her way to you with the merchandize which you asked for; and as you also wished that we should send to you, a month later, an American private boat, able to carry 250 or 300 slaves, (bultos) to embark the return cargo, we have taken care to purchase one, on purpose to send it to you with some rum and tobacco prepared with the greatest economy.

We shall also most scrupulously take care that the said vessel takes her papers in form; so that she may run no more risk, when she has to touch at Cape de Verd to change her rag.

As yet the Captain of the "*Salomé,*" has not delivered to us the little box which you mention, and which contains the two horns and the tail of the elephant, and which we intend to have set, the larger in silver and the other in gold, in the same way as a snuff-box, with little chains at the end; as also the tail in gold, giving it greater length, so as to be able to hold it conveniently by the hand. As soon as the box is in our possession, we shall take care to have everything done in the way that I have mentioned, and as soon as it has been performed, we shall send the things back to you by the first opportunity.

We shall direct the tailor to attend with his account of the clothes, which some time back Don Vincente Fernandez ordered him to make for you, and as soon as we have paid him, shall debit you with the amount of seventy-four dollars according to your instructions.

We will also use all diligence in procuring the black cook, which you request us to provide for you; and if we succeed to your satisfaction, shall pack him off with a good battery of cooking utensils.

We shall be glad to hear that you have received in due course what the schooner "*Veloz*" took for you.

In a few days we shall settle the business of the "*Nueva Amable Salomé;*" we shall credit you with what belongs to you for management, and shall also liquidate the four slaves (bultos) on freight belonging to Don Francisco de Grassi in ready money, to remit it to him by the first opportunity according to his orders.

Having no space left for more, we repeat that we are your most affectionate friends, as always.

As yet they have not come to receive any one of the accounts of the cargo embarked in the "*Comet,*" on which account we do not send to you by this opportunity the respective merchandize, but shall do so soon.

(Signed) B. & C.

We have insured in this first Company, from danger from the elements, 12,000 dollars upon the before-mentioned merchandize sent by the "*Comet,*" at 2½ per cent, which amount, that of the bill of lading, and our commission, figure in the account opened for their goods.

Charter Party enclosed in No. 10.

Original per "*Comet.*"
Duplicate per "*Veterano.*"

Between Captain Don Henry Dickinson, Master of the American brig "*Comet,*" of the burthen of 118 tons, anchored in this port of New Orleans, and Messrs. M. S. Cuculla, Lapeyre, and Co., representatives of Messrs. Blanco and Carballo, Merchants of the Havana, it was agreed as follows:—

Don Henry Dickinson, engages and freights the whole of the hold of his vessel, excepting only what is requisite for carrying water, and other provisions for the crew, for a voyage from this port to Gallinas, on the coast of Africa, touching at the Havana, at which last named place the vessel will be consigned absolutely to Messrs. Blanco and Carballo.

The vessel will take on board at this port 40 hogsheads of tobacco, and will receive at the Havana the remainder of her cargo, in whatever effects Messrs. Blanco and Carvallo may please, excepting only such articles as are prohibited by the laws of the United States. Captain Dickinson shall be permitted to receive on

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board for the Havana, after taking the 40 hogsheads of tobacco, whatever cargo may offer itself as freight, provided he defray the port duties at Havana. Captain Dickinson shall remain 30 working days at the Havana to load, and at Gallinas to unload, without counting Sundays, but reckoning all other feasts. The laying days shall commence from the day on which the vessel is ready to receive cargo at the Havana. For every day beyond the 30 stipulated for, the Captain shall receive 20 dollars.

Messrs. Blanco and Carballo will afford in the Havana to the aforesaid Captain, without charging him commission, all the good offices and assistance, which are customary on the part of the consigners of a vessel.

The freight agreed upon for the whole voyage, from hence to Gallinas, is 4000 dollars; of which the Captain shall receive in the Havana 1000, and the remaining 3000 in Gallinas, in a bill at short date on the above mentioned Messrs. Blanco and Carballo, who engage to honour it accordingly.

The Captain shall consign himself in Gallinas to the person or persons to whom Messrs. Blanco and Carballo may direct him.

At Gallinas the vessel will not approach nearer the port than her safety requires; and the cargo shall be delivered at the side of the vessel in the bay: the Captain being only accountable for putting it into the launches and boats sent to receive it.

For the faithful fulfilling this contract both parties engage; the undersigned, M. S. Cuculla, Lepeyre, and Co., guaranteeing that which belongs to Messrs. Blanco and Carballo.

Made in duplicate at New Orleans, the 30th of August, 1838.

(Signed) HENRY DICKINSON.
M. S. CUCULLA, LAPEYRE, & Co.

Bill of Lading enclosed in No. 10.

I, Don Henry Dickinson, Captain of the American brig "*Comet,*" now riding at anchor in this port of the Havana, about to sail for the coast of Malagueta, declare that I have received on board the same vessel, from Messrs. Blanco and Carballo, on account of, and at the risk of Don Ignacio Perez Rolo, the effects mentioned in the margin, which have been delivered to my satisfaction. In the same condition, as soon as I shall have arrived safely in the said vessel, I oblige myself to deliver them at the side of the vessel in the said port, or in that in which my register may be considered accomplished, to the said Señor Don Ignacio Perez Rolo, or his Attorney, who, on my faithfully delivering the same, will satisfy me for the freight and carriage according to the Charter party, to the accomplishment of which I bind my person and goods, according to the practice and law of commerce, signing four of this tenor, one only to be accomplished.

(Signed) HENRY DICKENSON.

Havana, 18th September, 1838.

Contents of Margin.

15 cases containing 300 guns.
315 packages of powder.
4 cases containing 40 dozen cutlasses.
1 ,, containing 25 dozen knives.
1 ,, containing 100 pieces of blue baft,
2 ,, with 160 pieces of coloured satin-stripe (carranclanes).
3 bundles with 105 pieces of madapollams.
1 ,, with 25 pieces of madapollams.
1 bale, 17 dozen knives, and 12 dozen caps.
1 ,, with 13 dozen caps.
2 cases, with 34 dozen looking glasses, and 20 dozen pairs of razors.
300 half bars of iron, containing 41 ggs. 29 lbs.
146 bars of iron.
1 case, with 20 dozen padlocks.
300 pots, with 1500 lbs. of iron (12 broken).
40 barrels, containing 51,761 lbs. of tobacco.
30 quarter casks of rum.
197 ankers of ditto.
60 loading barrels of ditto.
2 sample parcels of tobacco.
1 barrel of cigars.

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No. 11.—*Letter from the Same to Don. T. R. Buron.*

Señor Don Thomas Rodriguez Buron, Gallinas.

SIR, *Havana, 26th September,* 1838.

BY the "*Nueva Amable Salomé*" we received your always agreeable letter of the 24th of last July.

Immediately on your desiring us to remit to Paris the 300 dollars to your sister, we wrote to intrust that remittance to Messrs. Zulueta and Co., of London, who effected it, as you will have seen by our last advices; and the amount of expense we also communicated to you at that time.

We also informed you, by that opportunity, of the share of 1000 dollars which our principal partner made over to you in the cargo of the "*Nueva Amable Salomé.*" It would have been better for you if you had not taken it, for the business wears a most unfavourable aspect; so much so, that although the vessel arrived safely, we shall scarcely get back our outlay; for out of the small number embarked, there died 81 during the voyage and shortly after landing.

The sale was effected at Matanzas at an average of 306 dollars; the third part in cash, and the rest at eight months. The buyers are perfectly safe. The sick, who were twenty in number, brought 2303 dollars, 4 reals.

As soon as payment has been made, which will be in a few days. we will send you an account of the proceeds, which have been placed to your credit on account of your share.

By Don Angel Jimenez we remit to you, in three packets, labelled with your name, 125 ounces of gold (doubloons) of the Republican mint, of which the value, at the rate of 16 dollars each, and one per cent. premium in addition, amounts to 2020 dollars, and is debited in your accounts. Have the goodness to watch the arrival of the brig "*Veterano,*" in order to receive from the said Jimenez the above-mentioned ounces (doubloons) which are partly in small gold.

(Signed) B. & C.

Separately we enclose the bill of lading signed by the Captain, Jimenez, for the 2000 dollars above mentioned; for, to obviate prejudicial occurrences, the Captain will not sign it till the moment of sailing.

No. 12.—*Letter from Lino Carvallo (a partner in the house of Messrs. Blanco & Carvallo) to Don T.R. Buron.*

Señor Don T. R. Buron, for his landlord, (para su patron,) Gallinas.

MY ESTEEMED FRIEND, *Havana, September 26th,* 1838.

ALL the pleasure that I have felt at the happy arrival of the "*Salomé*" was turned into the greatest affliction, when I received by her, a few days afterwards, your always desired letter of 1st August, which informed me of the severe illness with which you were still afflicted, after having been at the point of death; and I can assure you, with all the great affection and sincerity which mark the interest which I take in your valuable existence, that I shall not be satisfied till I receive later intelligence, by the first vessel which arrives from thence, announcing your complete recovery, in order that you may make your preparations for returning to this country as soon as possible, so as to be no more exposed to the action of that deadly climate, in which I cannot see any occasion for your remaining any longer, even though our interests were to go to the devil; for these are of comparatively little consequence in such cases, even with regard to others, who are not of so much importance as, thanks to God, you are. It is high time that you should now return to the bosom of your family, to attend to your interests, and repose yourself after the horrors of the life you have led in that dreadful place. For, if necessity obliged you to seek your subsistence in that desert, where you have been exposed to so many risks and privations, it is now essential and indispensable that you decide upon returning to enjoy the fruit of your labours, without waiting till there is no longer hope of your doing so; for sooner or later, sickness will get the better of us. With regard to what business may be in the course of transaction, if the presence of your friend Buron and the other persons employed, be not sufficient, it will be easy, after your return here, to send from hence some one or more persons

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to follow up your subsequent views, and however lucrative these might be, is of little importance in comparison with the risk you run.

You are a husband and father; and it is in no respect fit for you to be deprived any longer of the society of those sacred bonds, more particularly as you are fortunately possessed of the means of amply providing for your future enjoyment and happiness, as well as those of the sacred objects who claim your immediate presence and protection.

Perhaps you may think that I am taking a very great liberty in urging my advice in this manner, and that you only are competent to judge of what may be most fit for you to do in your private affairs; but as I consider that I have the honour to be your sincere friend, I cannot and ought not to refrain from expressing myself as I have done, as a return for the confidence and regard which you have deserved at my hands; for the private affection which I feel and profess for you is totally distinct from, and uninfluenced by, the misunderstandings and disagreements which unfortunately have appeared in our last communications; originating on my side, entirely in the wish to convince you, and free myself from the responsibility in which I was placed by your repeated reproaches, generally unfounded. For as I have often said, you could not, at such a distance, foresee the occurrences whence originated the various subjects of your criticism and reprobation. Besides the good intention of what I have done, and no one has denied it, but, on the contrary admitted that they had a great chance of success, whatever may have been the ultimate result, (and I must confess that misfortune has generally attended my efforts;) still, notwithstanding that, the social co-operation has not, up to the present time, been attended with loss, or failed to produce substantial benefit in the soul and movement of the different individual undertakings, without perhaps your being able to understand what this was principally owing to; and you have therefore recurred to the numerous items of credits which have so much engaged your attention, in spite of that being the first agent on which all the mercantile people in the civilized world reckon for advancing and extending their commercial operations.

Again, the fatality which attends me caused me to undertake, at the conclusion of our social compact, the business of Mendoza and his cousin Fernandez, in order the more to perplex me in an affair which I have never been able to understand. For though I never gave them any reason to consider me as a friend to their views, the vile and unworthy means which they used succeeded too well in injuring me; particularly as you, being imposed upon by their abominable communications, were animated against me, and expressed yourself in terms really severe and uncalled for; which indeed would have been unnecessary, even if you had attached the greatest importance to the foolish and wicked accounts, which those wretches made use of to excite you. It would have been much more simple if you had ordered me to give over the establishment to them, and settle my accounts with them; for indeed I am less interested than you could imagine, when you thought that the resentment that I expressed, in consequence of such powerful reasons, proceeded from my imagining that there would soon be an end to the power which I possessed, and still possess, of dismissing the spy whenever you say the word.

But let us leave this subject, on which I have said so much, in order to avoid repetitions which will make my letters troublesome to read; for my wish, on the contrary is, that they may be agreeable to you, and that you may daily be more and more convinced by them, that if I have been capable of causing you any uneasiness with reference to these people, I was compelled to do so in answer to their accusations, and that I am incapable of behaving with impropriety to a person who has been long entitled to my gratitude.

The pleasure also which I experienced at the arrival of the "*Amable Salomé*" has been turned to sorrow, as on her reaching Matanzas, I found that the cargo which she had brought from your port had been reduced by the death of 81 slaves (bultos) during the voyage, including seven who met with the same fate at Camarioca, after being disembarked; so that the shipment will scarcely, or with difficulty, be free from loss, after paying the insurance.

As soon as I arrived at Matanzas, I sent my son Ramon to Camarioca, in the steamer "*Almendares*," for the above cargo; and aboard the same steamer, in the bay of Matanzas, I assembled the different purchasers, who came with the desire of doing business, and proceeded to sell the cargo. In spite of the bad assortment and bad state of the merchandize, I succeeded advantageously in realizing the price of 306 dolls. for each slave (bulto) in the lump; one-third in ready money, and the rest at eight months' date. The buyers were these:—Messrs. Regules Pardo, and

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Co., Don Salvador Martiartu, and Don Julian Zubueta, who jointly and *in solidum* have signed the bills for the part payable in that way, and have paid us the amount agreed upon to be paid in cash; so that, if the cargo had been even moderately good, we should have had the satisfaction to make a round bargain, for the security of the debtors is the same as if we had the cash in hand.

I am very glad to hear that the "*Feroz Africano*" has arrived at your port, for I was very anxious on account of what took place at her sailing from Cadiz; and I am persuaded that your decision to send her away immediately, because our friend Martinez had despatched her of his own accord, will tell doubly in effecting her return as soon as possible; so that we may hope to reinburse ourselves for the great cost which she has been to us, by reason of the incidental expenses which you are aware of. With regard to the Captain, Bertinote, you will consider whether or not you wish to take measures against him, on account of his conduct at Cadiz, according to what our friend Martinez writes from thence, from which it appears that he is in no way worthy of retaining his employment, or of any other favour.

I am also very anxious on account of the delay of the American schooner "*Washington*" in which your cousin Don Vincente Fernandez was foolish enough to embark; for according to what the Captain of the "*Amable Salomé*" informed me, it was another schooner which anchored in the bay on the day that the "*Feroz Africano*" arrived there; and the "*Washington*" was 55 days out from this port; for in spite of the vexation which this young man has caused me, I should be sorry that any accident had happened to him on account of his precipitate departure. Influenced by my regard, I cannot refrain from beseeching you to lay aside your anger against him, and in case he should arrive in safety, to receive him as well as you would have done, previously to his giving you these last motives for resentment; and I shall consider this adding a new favour to those I have received at your hands.

As the house of Martinez has this moment sent to inform me that the "*Veterana*" sails to-morrow, and will touch at your port, you will excuse my not answering at present your letter of the 25th of June last: I shall have the pleasure to do so by the first opportunity. The "*Triumfante*" is now loading for New Orleans what there is of freight, and some passengers, for the purpose I mentioned.

I am also loading the "*Resolucion*" for Cadiz and Barcelona; but as this is the worst time of the year, there is no freight, and I have been obliged to buy 150 cwt. of sugar to put at the bottom of the hold, for we, the loaders of vessels, are like women, who always wish to place themselves above, and not below.

The "*Prat*" is preparing, and we may decide, when she is ready, whether or not we shall despatch her to the south to fetch Congos, in which case Perez, whom you recommended, will command her, and Aragon will go as mate, dividing between them the direction.

We expect the "*Escorpion*" daily from Cuba. According to the last intelligence which we have of her proceedings at that point, the consignees had realized 137 slaves (bultos) for 41,954 dolls., of which 13,883 dolls. was in ready money. There remained at the hut 112, including 25 sick, and there had died 98.

We think of taking the "*Amable Salomé*" for 5,000 dolls., for as she is a new vessel, West India built, and solidly constructed, she will always be worth the money, more or less.

Conceiving that the pilot boat "*Brillante*," with the proceeds of the business of the association, will be the next vessel that we shall have, we intend insuring the part of its value, that will be cleared, judging by approximation according to the last two; and subsequently, at a future day, we will make the distribution of the premium among those who will have to pay it.

As to situation at the most convenient points, I take full care of that, and also that whatever is brought in, is concentrated at Trinidad; and I have the satisfaction to see that these points are also attended to, with laudable exactness and efficacy on the part of those employed under me.

The exchange on London still keeps high—it is now at 15 per cent.—and has also got up at New York to 11 per cent., so that now there is no advantage in taking United States' paper.

Accept the best regards of my wife and family, and be assured of the invariable affection of one, who desires your better health, and has the pleasure to profess himself your sincere friend.

(Signed) L. C.

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No. 13.—*Letter from Messrs. Blanco and Carvallo to Don Mariano Dias.*

Señor Don Mariano Dias, Gallinas.

SIR, *Havana, September 26th,* 1838.

WE are informed by our friend, Don Ignacio P. Rolo, that he embarked on your account at the freight of 50 per cent., in the "*Nueva Amable Salomé,*" six slaves (bultos) to our consignment; and as she has arrived safely, we take the earliest opportunity to inform you of it. We regret to be obliged to add, that, during the voyage, and after the landing, there has occurred a diminution, by death, of 81 slaves (bultos) out of the cargo.

There were also, out of the 246 saved, 20 sick, whom we could not offer for sale. The next proceeds, one with another, are at the rate of 306 dollars each slave (bulto), one-third in ready money, and the rest at eight months. The sick have been knocked down at 2303 dollars 4 reals; and when the liquidation is effected, which will be in a few days, we will give you an account of the result of your remittance.

We have the honour to be, Sir,
Your most obedient and faithful servants,
(Signed) B. and C.

No. 14.—*Letter from Juan Agapito de Pereda to Don T. R. Buron.*

Havana, 26th September, 1838.

Señor Don Tomas R. Buron, Gallinas.

MY ESTEEMED FRIEND,

AFTER having communicated with you a few moments before the sailing of the brig "*Veterano,*" I have been occupied in copying letters for the firm, and looking for Republican money; so that there scarcely remains time to inform you of the receipt of your esteemed letter of the 15th, with an addition of the 28th of July; and indeed if I were to answer you, chapter for chapter, quoting former letters, which were before me, &c. &c., it would be very diverting; for, believe me, I have sufficient materials to confound your fluency and Jeremiah lamentations; but besides it being useless for our purpose to follow the footsteps of certain persons of our acquaintance, there is not time enough to do it.

As you see by the private letter of Señor Don Lino Gonzales (who was recommended by him) has been selected out of many candidates for the situation of mate of the "*Triumfante.*" I was not obliged to have any thing to do with his appointment.

By this date I suppose that you have received the 2000 dollars which I remitted to you by Don Manuel Fernandez, which, with the 2000 which go now, will complete the 4000 which you asked for, and of which the want, to my very great regret, has caused you so much uneasiness and humiliation.

In spite of your saying in your letter of the 28th of July that it is not so, I am of opinion that the four slaves (bultos) embarked by Grassi in the "*Salomé,*" are sent on our account; but, whichever way it may be, the proceeds shall be faithfully remitted to him; and on receiving your next advice, we will settle accounts.

In the brig "Mary Jane" were sent the articles enumerated in the account, of which the duplicate accompanies this, to the value of 1090 dollars 3 reals, and I hope they will please you; and in the "*Comet,*" which went on the 20th, two boxes were forgotten and remained here till then; they contain kitchen utensils and money.

By the first opportunity I will send the shoes which you afterwards asked for, and which I have ordered. May God grant that every thing may please you; for in proportion to the riches you acquire, so does your good humour diminish; and I should be very sorry indeed to try the effect of your temper a second time.

Believe me, my friend, I am very plain, though a little hot-headed; and when I adopt a mode of proceeding, it is in the firm persuasion, that the sincerity due to a frank and open-hearted friendship, honour, and disinterested views require it.

Such were the motives which impelled me to explain myself, touching our firm, with regard to the purchase of slaves (bultos). It is your business to examine your heart, and regulate your actions accordingly.

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I believe that in the same letter I thanked you for your goodness towards me. If I did not do so, it was out of forgetfulness, and on no other account, as I am persuaded that you deserve the most heartfelt gratitude on my part. On the other hand, I am sensible that you owe me nothing, nothing, absolutely nothing.

I shall be glad to hear that you have got over the tempest, which you say threatened your shipwreck, for it would be a pity to cast off the rope when you are so near the port. This is only a hint. Take care that you do not give it a sinister interpretation. I know that I have much to apprehend before I take upon myself the character of a master.

Your invariable friend and obedient servant,

(Signed) JUAN AGAPITO DE PEREDA.

No. 15.—*Letter from Messrs. Blanco and Carvallo to Don Joaquim Sanchez.*

Havana, 26th September, 1838.

Señor Joaquim Sanchez, Gallinas.

SIR,

ACCORDING to a communication from our friend, Don Ignacio Perez Rolo, it appears that he embarked on your account, at a freight of 50 per cent., in the "*Nueva Amable Salomé,*" three slaves (bultos) consigned to us; and as she has arrived at Camarioca, we hasten to inform you (and it is with regret) that in the voyage, and soon after the landing, there was a reduction by death of 81 slaves.

Also, among the 246 saved, there were 20 sick, who could not be offered for sale.

The sale has produced, one with another, an average of 306 dollars each slave (bulto); one-third in cash, and the remainder at eight months.

The sick are disposed of altogether at 2303 dollars; and when payment has been effected, which will be in a few days, we shall give you an account of the proceeds of your above-mentioned remittance.

Your most affectionate friends and obedient servants,

B. & C.

No. 16.—*Letter from Mariano de Aldecoa to Don Manuel Boston.*

Havana, 26th September, 1838.

Señor Don Manuel Boston.

FRIEND BOSTON,

I ARRIVED happily and recommend my friend, Don Angel Jimenez, captain of the brig "*Veterano,*" to you and to Madame Févre, in order that you may supply him with rice and whatever he may require, which I shall consider a great favour to me.

Tell Madame Févre not to involve herself with any body, for I intend going there very soon.

I wish you your health. You may command your friend.

(Signed) MARIANO DE ALDECOA.

Remembrances to Nelly and Sarah.

No. 17.—*Letter of an old date from Messrs. Pedro Martinez and Co. to Don Angel Jiminez.*

Señor Don Angel Jiminez.

SIR, *Havana, 26th April*, 1837.

ON the 17th instant, and a month after her sailing from this port, the schooner, "*Josefina,*" arrived considerably damaged; but being now entirely refitted, her departure will take place to-morrow under the command of her captain, Don Juan Rosé Rodriguez, who is instructed in every thing relating to the united undertaking of the "*Lince,*" both being under your charge.

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We are aware that this accident must have caused you some delay, but flatter ourselves that your experience and practice have enabled you to smooth every obstacle.

The vessels which have lately arrived have brought a large proportion of females, of whom we have not been able to dispose at any price; on this account, we recommend you to endeavour to embark the smallest possible number, or none, in order that we may dispose of the cargoes to advantage.

We repeat to you all that we said in our last, on your departure, and hoping that you may have a speedy and happy result, remain your most affectionate and faithful servants,

(Signed) P. M. & Co.

No. 16.

Her Majesty's Commissioners to Mr. Backhouse.—(*Received April 24th*, 1839.)

SIR, *Sierra Leone, December 31st*, 1838.

IN pursuance of the 75th Clause of an Act passed in the 5th year of the reign of His Majesty George the 4th, entitled, "An Act to amend and consolidate the Laws relating to the abolition of the Slave Trade," we have the honour to enclose a Return of all Vessels adjudicated in the British and Spanish Mixed Court of Justice, from the 1st of July, 1838, to this date.

We have, &c.

(Signed) H. W. MACAULAY.
R. DOHERTY.

John Backhouse Esq.,
&c. &c. &c.

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Enclosure in No. 16.

Return of Spanish Vessels, adjudicated by the British and Spanish Court of Mixed Commission, established at Sierra Leone, betwixt the 30th day of June and the 31st day of December, 1838.

Name of Vessel.	Name of Master.	Date of Seizure.	Where Captured.		Property Seized.	Seizor.	Date of Sentence.	Number of Slaves captured	Number died before Adjudication.	Total number Emancipated.	Decretal part of Sentence, whether Forfeiture or Restitution.	Whether Property condemned has been sold or converted; and whether any part remains unsold, and in whose hands the Proceeds remain.
			Latitude.	Longitude.								
Opposicão . .	João Rodriguez	1838 25 Apr.	23° 55′ N.	84°47′ W.	Schooner and cargo	Lord Clarence Ed. Paget, H.B.M. sloop "Pearl."	1838 13 Aug.	..	..	..	Condemned for being engaged in the illicit traffic in slaves.	Vessel and stores sold by public auction, and the proceeds paid into the military chest.
Diligente . .	Miguel Sierra	15 Aug.	7° 3′ N.	11°46′ W.	Brig and cargo	Arth. Kellett, Esq., H.B.M. brig "Brisk."	12 Oct.	..	..	..	Ditto	Ditto Ditto
Ligeira . . .	Antonio Silva	16 Aug.	7° 3′ N.	11°46′ W.	Schooner and cargo	Ditto Ditto	12 Oct.	..	..	..	Ditto	Ditto Ditto
Constitução .	Eduardo Roberto	21 Aug.	In Accra Roads.		Ditto	W. B. Oliver, Esq., H.B.M. schooner "Fair Rosamond."	12 Oct.	..	..	..	Ditto	Ditto Ditto
Eliza	Manoel Munhiz	24 Sept.	5° 46′ N.	10° 1′ W.	Ditto	Arth. Kellett, Esq., H.B.M. brig "Brisk."	12 Oct.	..	..	..	Ditto	Ditto Ditto
Constituçao .	Joaquim da S. Pinto	30 Sept.	5° 46′ N.	9° 58′ W.	Ditto	Ditto Ditto	10 Nov.	..	..	..	Ditto	Ditto Ditto
Jozephina . .	Juan Gonsalvez	17 Oct.	7° 3′ N.	11°46′ W.	Ditto	Ditto Ditto	10 Nov.	..	..	..	Ditto	Ditto Ditto
Maria . . .	Alberto M. Mideiros	8 Nov.	10° 18′ N.	14°30′ W.	Ditto	Ditto Ditto	19 Nov.	..	..	..	Ditto	Ditto Ditto
Veloz	João Antonio Ribeiro	17 Nov.	7° 3′ N.	11°46′ W.	Ditto	Ditto Ditto	24 Nov.	..	..	..	Ditto	Ditto Ditto
O'Veterano. .	Carlos E. Sassetti	18 Nov.	7° 6′ N.	13° 0′ W.	Brig and cargo.	Ditto Ditto	11 Dec.	..	..	..	Ditto	The brig and stores in charge of the Commissioner of Appraisement and Sale, the same being ordered to be sold at public auction, and the proceeds paid into the Registry twenty-one days from the date of the condemnation.
Sirsè	Serafin Antonio Spencer	17 Nov.	7° 6′ N.	14° 0′ W.	Schooner and cargo.	C. Fitzgerald, Esq. H.B.M. brigantine "Buzzard."	21 Dec.	..	..	..	Ditto	Ditto Ditto

N.B.—A schooner, called the "Mary Ann Cassard," John Bacon, Master, was seized on the 27th of October of this year, in lat. 8° 38′ N., and longitude 13° 30′ W., by Her Majesty's brig, "Brisk," Lieutenant Arthur Kellet, commanding, and was brought into this Court on the 29th of the same month: on the 24th, however, of the month following, the Court declared itself incompetent to proceed to adjudication in the case, the detained vessel having been captured while sailing under the flag and pass of the United States of America.

Sierra Leone, 31*st December*, 1838.

(Signed) J. MILLER,
Acting Registrar.

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No. 17.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received May 6, 1839.*)

My Lord, *Sierra Leone, October 20th, 1838.*

Enclosed we have the honour to hand to your Lordship our report of the case of the Spanish schooner "*Ligeira*," Antonio Silva, Master, captured under Portuguese colours, and condemned on the 8th instant in the British and Spanish Mixed Court of Justice, as a Spanish vessel equipped for the Slave Trade.

The ownership in this case was clearly traced to merchants resident in Havana, and the Portuguese flag was assumed merely to protect the vessel in her illicit pursuits.

We have, &c.
(Signed) H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 17.

Report of the Case of the Schooner "Ligeira," *Antonio Silva, Master.*

This is one of the ordinary cases of vessels, really Spanish, which have sought protection under the Portuguese flag from the penalties of the Spanish Treaty signed in Madrid on the 28th June, 1835.

The "Ligeira" was sailing, at the time of her capture, under a Portuguese register or passport, obtained at the Cape Verd Islands, which declares her to be of American construction, and which was granted so lately as the 1st of December, 1837, in direct opposition to the Portuguese decree, which came into force on the 17th of January in the same year.

In this register a resident at the Cape Verd Islands, named Mathias de Mello, is named as the owner; but a letter of instructions, dated at Havana on the 15th of May last, and addressed to the Spanish master of the vessel, on the eve of her sailing for the Coast, leaves no doubt that the ownership of the vessel rests with a mercantile house at Havana, where also the voyage began, and was to have ended.

The "*Ligeira*" cleared out last from Havana for St. Thomas, on the 15th of May; but unmindful of the destination marked out in her papers, she came direct to the river Gallinas, where she was captured on the 16th of August, 1838, by Her Majesty's brig "Brisk," Lieutenant Arthur Kellett commanding. Her clearance and matricula declared the vessel to be under the command of a Portuguese named Antonio Silva. It became, however, abundantly evident that the real master was a Spaniard named Vincente Sanchez Larrazabal, well known at this place, and who figured in the muster-roll only as first officer.

On the 23rd of August the "*Ligeira*" arrived at Sierra Leone, and the usual proceedings were adopted by the captor to prove, in the first place, the Spanish character of the detained vessel, arising from the domicile of her owner, and her employment in Cuba Slave Trade; and secondly, her liability to condemnation under the late Treaty with Spain, for being illegally equipped for the Slave Trade.

For this purpose the Captor's declaration and affidavit of seizure were received and filed, the usual monition was issued; the surveyors of the Court were directed to examine and report upon the fittings of the prize, and the witnesses in preparatory were examined on the standing interrogatories.

The report of the surveyors declared, that almost every article of a complete Slave Trading equipment was on board, slave deck, leaguers, slave coppers, and and slave food.

When the "*Ligeira*" was taken possession of in the river Gallinas, the Portuguese master was on shore; consequently he was not present to be examined on the arrival of the vessel here; and his absence was afterwards urged as a ground of delay in the final adjudication of the case, on the petition of the mate, who, when it was found that the master was detained at the Gallinas by severe illness, was allowed to defend the case in his behalf. This was of less consequence, as, although Antonio Silva figured as master, no doubt could exist that Vicente Sanchez de Larrazabal, the nominal mate, was himself the real captain, and exercised complete control over the expedition.

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Larrazabal deposed "That the Master's name is Antonio Silva; that he has known him only three months; that the said Master was on shore at Gallinas at the time of capture; that he does not know who appointed the said Master, or gave him possession, or where or when he got the same; that witness first saw the vessel at Havana about three months since; that he was present when the vessel was captured; that he does not know for what reason, or under what pretence the vessel was seized; that she had no colours but Portuguese, and has never had any other name, to witness's knowledge, than '*Ligeira*;' that she had thirteen officers and mariners, exclusive of the Master, Portuguese and Spaniards, all shipped and hired at Havana by the Master about three months and a half since; that neither he nor, to his knowledge, any of the officers or mariners, had any interest in either vessel or cargo; that he was Mate on board; that the last clearing port was Havana, and the voyage commenced and was to have ended there; that from Havana the vessel proceeded direct to Gallinas, where part of the cargo was landed, and the vessel had been there about twenty-eight days when capture took place; that the capturing vessel was first seen in the Gallinas on the 15th of the present month, and capture took place on the same day, the '*Ligeira*' being at anchor in that place; that the vessel's papers were for St. Thomas, but the Master called at Gallinas on his way, for the purpose of repairing a boat; that there were no instructions to avoid or escape from capture, or for concealing or destroying any of the vessel's papers; that he believes the Master to be the owner of the vessel; that he knows no other person connected with her; that he knows nothing of any bill of sale, but thinks, if restored, she will belong to the Master; that the Master acted as consignee of the cargo, but witness knows nothing either of the lader or owner thereof, and cannot say to whom the cargo will belong if restored, unless it be to the Master, who is the only person he knows of concerned in it; that he knows nothing of the former voyage; that the cargo brought from Havana consisted of muskets, tobacco, rum, powder, and dry goods, part of the powder being at present on board; that after capture the vessel was taken to Sierra Leone; that the papers found on board were and are all true and fair, and none have been concealed, destroyed, or made away with; that there was no charter-party to his knowledge; that he is ignorant whether the vessel or cargo be insured; that she was under the Master's management in regard to her trade; that no slave was put or received on board at any time during the present voyage."

Notwithstanding the clear and explicit nature of the sworn report of the Surveyors, this witness did not hesitate to deny all their statements.

A second witness, Juan de Areta, a seaman of the detained vessel, whether in answer to the standing interrogatories, or to the special standing interrogatories, regarding equipment, observed the same line of deposition as Larrazabal. His evidence, in fact, although not so full, is a repetition of that which has been quoted.

The filing of a claim for the "*Ligeira's*" restoration, and for damages for her detention, was followed by a series of special interrogatories, approved by the Court, and framed with the object of clearing up the doubtful points of the transaction, and of compelling Larrazabal to disclose the parties really interested in it. Little, however, was gained from the witness, who pretended either ignorance or forgetfulness of all the most important particulars; and at length the Proctors for both parties jointly petitioned for a day of trial, which was fixed for the 4th inst. The decision of the Court was, that the "*Ligeira*" was sufficiently clothed with a Spanish character by her employment in Spanish trade, and by the domicile of her owner, and that she was consequently liable to condemnation for being fitted for the Slave Trade, in violation of the 10th Article of the Spanish Treaty.

(Signed) H. W. MACAULAY.
R. DOHERTY.

Sierra Leone, 20th October, 1838.

No. 18.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received May* 6, 1839.)

My Lord, *Sierra Leone, October* 20, 1838.

We have the honour herewith to transmit our Report of the case of the schooner "*Constituçao,*" found sailing under Portuguese colours, and ostensibly

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commanded by a Portuguese, named Eduardo Roberto, on the 21st of August last, at anchor in Accra Roads, when she was detained by Lieutenant Oliver, commanding Her Majesty's schooner "Fair Rosamond," on the ground of her being Spanish property, and equipped for the Slave Trade; and sent to this colony for adjudication by the British and Spanish Mixed Court of Justice established here.

The prosecution of the detained vessel commenced on the 10th ultimo, the day after her arrival here, and ended on the 17th; and her adjudication took place on the 12th instant, when it was made clear by the evidence received in the case that the "*Constituçao*" was really a Spanish vessel, employed in the traffic in slaves, for which she was in many respects fully equipped; and a sentence of condemnation of vessel and cargo was therefore passed.

The "*Constituçao*" is mentioned in the Havana Commissioners' lists as a Portuguese vessel, leaving, in June last, for Loando, to engage in the Slave Trade. At the time of her capture she was found in every respect prepared for immediate action; and had she been met with at sea, it seems probable that the most determined resistance would have been made. Besides an eighteen-pounder pivot-gun amidships, there were twenty other long guns of the same calibre, six blunderbusses, twenty muskets, and twenty cutlasses on board, all of which where kept in a state of readiness, and grape, chain, and bar shot, with corresponding packages of ammunition, were found distributed about the decks. From the crew of the "*Constituçao*," consisting of nearly forty persons, and from the state of military discipline observed amongst them, we are led to believe that the vessel would have had little hesitation in committing acts of piracy on the coast, if the opportunity had offered.

We have, &c.

(Signed) H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 18.

Report of the Case of the Schooner "Constituçao," *Eduardo Roberto, Master, seized under Portuguese Colours.*

At the time of the detention of this vessel, there were found on board of her the following papers:—

1. A Passport from the Portuguese Government of the Cape de Verd Islands, dated December 10th, 1837, describing the schooner as of American build, and owned by a Portuguese, named Luiz Carvalho, whose residence is not stated. The burden of the schooner is given as 128 Spanish tons, although the passport is evidently intended to lead to the opinion of the property being entirely Portuguese. No destination is assigned to the vessel, and the passport has not received any endorsement.

2. The Matricula, dated Havana, June 8th, 1838, states the schooner to be bound, under the command of Eduardo Roberto, to St. Paul de Loando, with a crew of twenty-four men. To this document there have been annexed two certificates from the American Consul, Mr. Trist, who performs these acts on account of there being no Portuguese Consul at Havana. One of these certificates, which is intended to authenticate the Matricula, is dated one day before that document was signed by the Master of the vessel; and the other relates to the Master's appointment by the owner's agent at Havana, T. Estivez, a resident merchant in that city. On the same day that the American Consul's certificates were granted, there was another Muster-roll made out in the Spanish language by Eduardo Roberto, showing the real state of the crew of this vessel, and in which the names of eleven passengers on board were included, as well as those mentioned in the official Muster-roll. The addition of these persons made up a crew of thirty-seven officers and men.

3. Customs' Clearance, dated June 9th, 1838, of the cargo shipped at Havana, the destination of the vessel being the same as in the Matricula. Under the usual sealed cover is also a certificate of the 9th June, 1838, to the effect that the Master, Roberto, had shown that he was owner of the cargo; that the casks embarked were to hold palm oil on the return voyage, and the large boiler was for clarifying palm oil. No bond for the lawful employment of these articles, however, appears to have

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been taken. To this certificate there is one added from the American Consul's office, as to the signature of the Customs' officer, which is dated a day previous to the Customs' certificate which it is to authenticate, and which Mr. Trist has not signed.

4. Some Log-books for the voyage in which the schooner was detained, showing the voyage to have been from Havana to the Cape de Verd Islands, and thence to Accra, where she was seized.

5. Eleven Passports for the persons found on board as passengers. One of these is for the real Master of the vessel, Jacinto Derizans, a Spaniard; a second for his brother Benito; and a third for Aracleto Marti, who kept a Spanish log for part of the voyage, by order, as is expressed in it, of the Captain, Jacinto Derizans.

In addition to the foregoing papers, there were a great number of others taken possession of, from which we have collected the following information:—

Jacinto Derizans, who appeared on board as a passenger, had an interest of 2000 dollars in the expedition, in addition to his agreement of 100 dollars a-month for his wages, and 10 per cent. upon the nett proceeds of the sale of the slaves landed in Cuba; the Master, Roberto, was to have 1 dollar for each slave, and 60 dollars per month; the mate 3 dollars for each slave, and 80 dollars per month; and the boatswain 1½ dollar for each slave landed, and 70 dollars per month. The true position of the nominal master is thus proved by the fact that he was receiving considerably less pay even than the boatswain.

Derizans has been long engaged in the Slave Trade, and has been employed as Master in the Spanish vessels "*Mercedita*," "*Fortuna*," and "*Antonica*," previous to the present speculation. The correspondents of Derizans appear to be S. A. Trigoyen and Co., of Havana, Apperteguia, Arrecha and Co., of Trinidad, and Ramon Perez, of Porto Rico.

Amongst the papers there are some letters from Juan Ruis, who was residing in June last at one of the Cape de Verd Islands. He has been in correspondence with the firm of Manuel Ruis and Antonio Escotto, of Matanzas, from the year 1832 to the present time, respecting slave adventures, in which period he has had an interest in not less than fifteen shipments.

On the 16th of June, 1838, the "*Constituçao*" quitted Havana for St. Paul de Loando; but, leaving the route for that port, proceeded to the Cape de Verd Islands, where she remained a week, and then visited Accra, in which port she was found at anchor on the 21st of August, 1838, by Her Majesty's schooner "Fair Rosamond," the commander of which vessel, Lieutenant Oliver, detained and sent her to this colony for trial.

The "*Constituçao*" arrived here on the 10th of September, and a prosecution was commenced the same day, before the British and Spanish Mixed Court of Justice, against the detained vessel, as Spanish property, equipped for the Slave Trade.

The declaration of the Captor stated, that on the 21st of August, 1838, being in Accra Roads, he detained the schooner "*Constituçao*," sailing under Portuguese colours, commanded by Eduardo Roberto, who could give no information respecting the voyage in which the vessel was engaged, but referred the captor to Jacinto Derizans, who declared her to be bound from Havana to St. Paul de Loando, and thence to Matanzas. The grounds of detention the Captor states were, that the vessel was Spanish property, the Master and Derizans representing that Derizans was the owner, and that he was a Spanish subject, and also that she was equipped for the Slave Traffic. To this declaration the Captor himself was sworn at the time of its being received into court.

On the 12th of September the Registrar examined Eduardo Roberto, the Master of the detained vessel, upon the standing interrogatories, and on the special questions used in all cases of equipment for the Slave Trade. The Master's evidence was as follows:—

"That he was born in Lisbon, and lives there with his family; is a subject of Portugal, and has never served any other state; that he is married, and his wife resides at present at Santander, in Spain; that he was appointed to the command, and possession was given to him, at Havana, in June last, by Jacinto Desidan, or Derizans, a resident of Havana, and a Spanish subject; that he first saw the said vessel there a few days previously, and does not know where she was built; that he was present at the time of capture; that he does not know for what reason the vessel was seized; that she sailed under Portuguese colours; that there was also a

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Spanish and a Colombian flag on board; that he does not know for what reason such colours were on board; that he found them there when he shipped; that neither of them were hoisted at any time during the present voyage; that the vessel is called '*Constitucion*,' and has never had any other name to witness's knowledge; that he does not know her tonnage; that she had about twenty-eight officers and mariners, exclusive of witness, Portuguese and Spanish, all hired and shipped in Havana by the said Jacinto Desidan; that neither he nor any other of the officers or mariners had any interest in vessel or cargo; that he was Master on board; that at the time of capture there were ten or twelve passengers on board, Spaniards and Portuguese, embarked in Havana in June last, for a passage to St. Paul de Loando, all furnished with passports, and all sea-faring people; that he does not remember their names, and does not know what their business at St. Paul de Loando might be; that none of them had any interest in either vessel or cargo, or authority whatever on board; that the last clearing port was Havana, and the present voyage commenced and was to have ended there; that witness was hired to return with the vessel to Havana; that from that port the vessel proceeded towards Cape de Verds, touching at Brava for water and provisions; and after remaining there five or six days, she went down the coast to Accra, where the vessel anchored, and capture took place six or seven days after her arrival; that the capturing vessel was first seen about four weeks since off Accra; that capture took place at Accra the day following; that he does not remember the date; there was no chase, the vessel being at anchor when seized; that the vessel's papers were for St. Paul de Loando, and she was on her way there when captured; that there are three guns mounted, about twenty muskets, and as many cutlasses, and some ammunition (does not know the quantity) for defence of the vessel; that no resistance was made; that there were no instructions to resist or avoid capture, or for concealing or destroying any of the vessel's papers; that he believes the said Jacinto Desidan to be the sole owner of the vessel; that he believes so from having been shipped and paid by the said Desidan, and knowing of no other person concerned in the vessel; that Desidan is a Spanish subject by birth; does not know whether he be married, or where he resided before he lived at Havana; that he knows nothing about any Bill of Sale, or the price of the vessel; believes if the vessel be restored she will belong to the said Jacinto Desidan; that he knows of no private agreement; that the said Jacinto Desidan is the lader, owner, and consignee of the cargo; that Desidan is a seaman by profession; that he accompanied the vessel on the present occasion as supercargo; that he was not on board at the time of seizure, being ashore at Accra, but that he came on board shortly afterwards; that the said Desidan was sent ashore by the Captor at Accra with the people not detained; that the cargo was to have been landed at St. Paul de Loando, on account and risk of the said Desidan, he believes, and that if it be restored it will belong to that person only; that he believes so from not knowing any other person concerned in it; that he knows nothing of the former voyage; that the present cargo consists of cloth, muskets, powder, tobacco, iron bars, rum, &c.; that after capture the vessel was taken to Princes' Island, and from thence to Sierra Leone; that the passports and other papers delivered up were and are all true and fair; that no papers were destroyed, concealed, or made away with; that he knows of the existence of no other papers relating to vessel or cargo; that there was no charter party that he knows of; that he is ignorant whether the vessel or cargo be insured; that the vessel was under the management of the said Desidan in regard to her trade, who also directed her navigation on board, and witness acted under his orders in everything; that he corresponded with no one respecting the concerns of the vessel or cargo; that bulk was broken at Accra for the purpose of purchasing provisions, but does not know whether bulk has been broken since capture; that no slave has been put or received on board during the voyage in which the vessel was captured; that the hatches are not fitted with open gratings; that the combings of the hatchways are not bored, or fitted for iron bolts or bars; that there are round iron bars on board, but witness cannot say what quantity, or whether they were intended for securing the hatchways, and knows not for what purpose they were on board; that there are only the bulkheads of the cabin and forecastle; that there is a large quantity of spare plank, marked and fitted for a slave deck, and intended for that purpose; that there is no part of a slave deck laid; that there are about twenty handcuffs on board to keep the crew in order; that there are no shackles on board; that there is a large quantity of water-casks on board, does not know how many, or how much water they could contain; they were intended for holding water for the slaves and the crew; that

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there is no tank nor any staves; that there were eight or nine pipes of fresh water on board at the time of capture; that there are six or seven mess tins for the crew; that there is a large iron boiler for the use of the slaves; that there is a large quantity of rice and Indian corn, intended for food for slaves."

The evidence of Diego Lopez, the Mate of the said vessel, confirmed in every respect that given by Eduardo Roberto. Concerning the relative positions of Roberto and Derizans, who appeared as a passenger, Lopez stated that they were both acting as Masters on board, Derizans being the principal; a statement which, connected with Roberto's declared inability to give the seizor any information as to the nature of the voyage, and his reference to Derizans upon the subject, as well as the allowance, to be given him for his services on the voyage, being less than the Boatswain was to receive, shows clearly that he was embarked only as the Captain for the Portuguese flag; the adventure being at the same time Spanish, and under the management of the Spaniard Derizans, if not his own entirely.

Publication in the case was allowed on the 12th of September; and on the 15th the sworn report of the Surveyors to the Court, upon the equipment of this vessel, was received. From this report it appeared, that the detained schooner had on board round iron bars with padlocks, evidently intended for use as hatch-bars; plank and beams, regularly filled for laying a slave deck; and preparations in the vessel's sides for receiving the same. The ground tier, from one end of the schooner's side to the other, was filled with water-casks, some containing water, and others slave provisions. The casks are capable of containing 12,000 gallons of water; in addition to which, there were three tanks upon deck, from 500 to 600 wooden spoons, a regular slave copper complete, and a quantity of slave provisions, more than requisite for the crew of the vessel.

This closed the case for the Captors.

No claim was presented.

The monition, which was issued on the 10th, was returned into Court, duly certified, on the 17th of September.

On the 12th of October the Court met for the adjudication of this vessel. The fraudulent assumption of the Portuguese flag by the detained schooner, her real Spanish character, and her employment in Spanish trade, were fully established by the papers found on board of her, and unreservedly admitted by the Master and Mate in their examinations. The report of the Surveyors to the Court, as well as the evidence of the witnesses, respecting the fittings of this vessel, left no doubt as to her equipment for the prohibited traffic in slaves; whilst the acknowledged Spanish character of her asserted Master and owner, her exclusive employment in the Spanish Slave Trade, her departure from, and intended return to, a Spanish port, clearly brought the present case within reach of the principle, which had been lately laid down in the case of the Spanish brig "*Diligente.*" The Court therefore pronounced the schooner "*Constituçao*" and her cargo to be subject to condemnation, as a Spanish vessel equipped for the Slave Trade, and condemned the said vessel and her cargo accordingly.

(Signed) H. W. MACAULAY.
R. DOHERTY.

Sierra Leone, 20th October, 1838.

No. 19.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received May* 6, 1839.)

MY LORD, *Sierra Leone, October 20th*, 1838.

WE have the honour to enclose herewith our report of the case of the schooner "*Eliza,*" Manoel Muniz, Master, which was captured by Her Majesty's brig "Brisk," Lieutenant Arthur Kellett commanding, on the 21st ult., and was condemned in the British and Spanish Mixed Court of Justice on the 12th inst., for being illegally fitted for the Slave Trade.

The "*Eliza*" was sailing under the Portuguese flag, and with a Portuguese register, at the time of her capture; but we felt no difficulty in divesting her of her assumed Portuguese nationality, on the admissions of the Master, that his residence

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was fixed at Havana; that he was sole owner of the detained vessel; and further, that she was altogether employed in the commerce of Cuba.

The Spanish character which had been acquired by these means, rendered the "*Eliza*" liable to the consequences of the infringement of the laws and treaties of Spain; and her manifest equipment for the traffic in slaves led to her condemnation as good and lawful prize.

We have, &c.
(Signed) H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 19.

Report of the case of the Schooner "Eliza," *Manoel Muniz, Master.*

THE above vessel was cleared at the Custom-house at Havana, in the month of July last, for the Island of Princes. She sailed with a Portuguese register, obtained at the Cape de Verd Islands, on the 20th of January, 1837, under the command, ostensibly, of a Portuguese Master, named Manoel Muniz, but actually under the complete control of a well-known Spanish Slave-trader, named Juan Fremul, as appears by several notes and letters which were found on board, and which disclosed Fremul in his real character of conductor of the expedition.

Instead of proceeding to Princes, the "*Eliza*" came direct to the River Sestos, where she anchored on the 3rd of September last.

Eighteen days afterwards, Lieutenant Arthur Kellett, commanding Her Majesty's brig "Brisk," boarded her, and finding her fully equipped for the Slave Trade, and entertaining a very just belief that her Portuguese flag covered foreign property, he despatched her to Sierra Leone for adjudication.

The prosecution commenced on the 1st of October, 1838, with the filing of the Captor's declaration, the reception of the vessel's papers, the issue of the monition, and the order for the examination of the witnesses.

It was also necessary, as the detained vessel was libelled in the British and Spanish Court, to commission proper persons to survey and inspect the fittings of the detained vessel. The report of the Surveyors came in on the 6th of October, 1838, and strongly confirmed the allegations of the Captor as to illegal equipment. Of the nine sections of the 10th Article of the Spanish Treaty, no less than seven had been infringed. Iron bars for hatch-way fastenings, beams and planks marked and numbered, an unusual quantity of water, more leaguers than requisite, and a greater number of mess-tins than necessary for the crew of a merchant vessel, appeared in the outfit of the "*Eliza.*"

The examination of the witnesses took place three days afterwards. Manoel Muñiz, the Portuguese Captain, deposed that "he was born at Peniche in Portugal, has no fixed place of residence, and has never served any state but Portugal; that he is owner of the vessel, and appointed himself to the command, having received possession in Havana, about a year since, from one Mello, the former Master, and the agent of the owner, Carvallo; that he does not know of what nation either Carvallo or Mello may be by birth or allegiance, or where either of them resides; that he first saw the said vessel in Havana, a few months previously to his purchasing her, and believes she is North American built; that he was present when the vessel was captured, but does not know under what pretence she was seized; that she sailed under Portuguese colours, but there was also a Spanish flag on board, although witness was in ignorance of that fact till it was found by the captors; that the said flag was never hoisted; that the vessel is called '*Eliza*,' and has never had any other name to witness's knowledge; that she is about fifty or sixty tons burthen, and had thirteen officers and mariners exclusive of witness, all Portuguese, except the Mate, who is a Spaniard, all hired and shipped in Havana by witness in June last; that he is sole owner of the vessel and cargo, none of the officers or mariners having any interest in either; that he was Master on board; that the present voyage commenced, and was to have ended, at Havana, which was the last clearing port, and whence the vessel came direct to the coast; that she anchored off New Sestos to get water and fire-wood, and had been there about eighteen days when capture took place; that the capturing vessel was first seen off New Sestos

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on the 24th of September last, and capture took place there and then; that there was no chase, the vessel being at anchor; that the vessel's papers were for Princes' Island, and she was proceeding thither when captured, having only called at New Sestos for wood and water; that no resistance was made, nor were there instructions to resist or avoid capture, or for concealing or destroying any of the vessel's papers; that he is sole owner of the vessel; that there is a bill of sale from Mello (does not remember his other name) to witness; that he does not remember the month when it was made; that he left the document at his lodgings in Havana, there being no necessity for bringing it to sea with him; that the price was 3300 or 3500 dollars, but he does not remember exactly which, all paid in cash; that the sale was a true one, and the vessel, if restored, will belong to witness; that he is himself sole owner, lader, and consignee of the cargo; that he has no regular place of residence, having been almost constantly at sea for above eighteen years, previous to which time he resided at Peniche, the place of his birth; that the cargo now on board was to have been delivered at Princes' Island on witness's sole account, and if restored will belong to witness only; that he knows nothing of the former voyage, the present being the first voyage in which the vessel has been engaged since she became witness's property; the present cargo, laden at Havana, consists of rum, tobacco, powder, muskets, and dry goods; that the papers delivered up are all true and fair, and none have been destroyed, concealed, or made way with."

Juan Fremul, the Spanish pilot, gave his evidence, as indeed might have been expected, with much caution and reserve, and the general outline of his testimony resembled that of the Master.

These proceedings closed the Captor's case, and were published on the 10th instant. The Court appointed the 12th for a day of trial, the Monition having been returned on the 9th instant.

No claim was presented for the detained vessel, nor is it easy to conceive on what ground a claim for restoration could have been founded. The Master, although professing to be a Portuguese subject, and the sole owner of the "*Eliza*" and her cargo, declares himself to be at the same time a resident at Havana, with which place he is closely connected in mercantile relations; and thus, even on his own showing, the falsehood of which, however, we do not doubt, he has fixed upon himself and his vessel the obligations of the Spanish character, which he has acquired by residence and employment in Spanish trade. On this ground the illegal equipment of the "*Eliza*," for the prohibited Slave Traffic, exposed her to the penalties of the Spanish Treaty; and we accordingly condemned her and her cargo.

(Signed.) H. W. MACAULAY.
R. DOHERTY.

Sierra Leone, 20th Oct. 1838.

No. 20.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received May* 6, 1839.)

My Lord, *Sierra Leone, November* 11*th*, 1838.

We have the honour to transmit to your Lordship herewith our report of the case of the schooner "*Constituçâo*," Joaquim da Souza Pinto, Master, which was captured by Her Majesty's brig "Brisk," and condemned in the British and Spanish Mixed Court of Justice on the 10th instant.

Although the "*Constitucão*" was sailing under the Portuguese flag at the moment of her capture, she was proved to belong to the house of Rorosa Marino and Company, of Havana; and her detention took place just in time to prevent the embarkation of a full cargo of slaves, for the reception of whom every preparation had been made.

An agreement was signed in Havana by the crew, promising to acknowledge, in the character of Captain, and representative of the owners, not the Portuguese who figures as Captain in the papers, but a Spaniard of the name of Batalla, who embarked as a passenger, with a passport from the Spanish authorities.

From other papers it appears that the nominal Portuguese Master was only of the rank of carpenter on board a small Portuguese brig of war; and that the pay he received for his general services on board the "*Constituçâo*," and for thus lending his name to cover her true character, is considerably less than that of the man who is said to have been his Boatswain.

The evidence respecting the equipment of the vessel for Slave Trade was very

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complete; and Spanish ownership and course of trade having decided her national character, the Court felt no hesitation in declaring the "*Constituçao*" to be forfeited for a violation of the Spanish Slave Trade Treaty.

We have, &c.

(Signed) H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 20.

Report of the Case of the Schooner "Constituçao," *Joaquim da Souza Pinto, Master.*

THIS case resembles in all its main features those which we have lately been called upon to report, in which the protection of the Portuguese flag has been invoked by Spanish slave traders against the consequences of a violation of the Slave Trade Treaty of Spain, and in which it has been the duty of the Court to remove the disguise which has been assumed, and to disclose the real character of the transaction submitted to its notice.

The ship's papers, Nos. 1 and 2, show the mutual assistance which is rendered by the Portuguese and Spanish authorities, stationed at Havana, to give security and support to illicit Slave Trade adventures. They consist of a clearance from the Havana Custom-house, and a certificate thereof from the Portuguese Consul, Don Jozé Fernandez, declaring that the Portuguese schooner "*Constitucão,*" Joaquim da Souza Pinto, Master, cleared out from Havana for St. Thomas, on the 24th of March, 1838, "with 38 leaguers and water casks, some to be filled with water, and some in shakes, to be filled with palm oil on the return voyage; two caldrons (slave boilers) to clarify the said oil; and 2000 feet of plank, and 500 feet of scantling (slave-deck and beams to support it), for the purpose of erecting a factory on shore."

No. 3. The Portuguese Register, under which this vessel sails, purports to have been obtained from Leandro Jozé da Costa, Military Governor of St. Thomas, on the 11th of April, 1837, although she is declared, in the same document, to have been built in America, and therefore not entitled, according to the present state of the law, to a Portuguese Register. The owner is said to be Julio Ferreira de Almeida, and the Master, Francisco Jozé Dias, both Portuguese subjects. This register was visaed by Fernandez, the Portuguese Consul at Havana, in March last, on her departure for this coast; and he adds a certificate as to the appointment of the present Master.

Nos. 4 and 5. On the same day (March 24th, 1838) the Portuguese Consul granted a clean Bill of Health to the "*Constituçao,*" and certified the correctness of her Muster-roll. In the latter, Pinto is named as the Master, and Francisco Coll and Ignacio Sanchez as the first and second officers under him.

No. 6 is a private Passport, countersigned by the same Consul, in favour of Don Juan Batalla, a native of Malaga, authorising him to proceed to the Island of St. Thomas on his own private affairs. Our experience has shown us, that those who pass through this formality of obtaining passports, as passengers, bound to the same nominal destination as the vessel, are generally either the owners or captains of the vessels in which they embark, or the managers of the expeditiou. So it proved in the present case; and various documents, discovered on board, exhibit Batalla in his true character of Captain and Supercargo of the "*Constituçao.*"

No. 7. It is also proved that the Portuguese seaman, who figured as Master, is a person of very humble pretensions; for a paper was found in his possession, setting forth "that Joaquim da Souza Pinto had conducted himself like a good seaman and carpenter on board the Portuguese brig of war, '*Boa Esperança,*' fighting against Don Miguel."

No. 8 would at any rate show, in the absence of any other paper, that the pretended passenger, Batalla, really occupied the place which was ostensibly filled by Pinto. It is headed, "Agreement between the crew of the '*Constituçao*' and *the Master,* Don Juan Batalla." Pinto is therein assigned a smaller rate of wages even than the Boatswain of the vessel; and it is agreed by the crew that, although Pinto is to be the ostensible Master, and although Batalla is to be called a passen-

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ger, the latter is to be deemed in fact the Captain, and representative of the owners. The fourth and fifth clauses of this agreement stipulate, that wages shall not be due in the event of capture by a vessel of equal force; nor even in the event of capture by a vessel of superior force, unless after an obstinate defence; and in that case the wages of those who will not fight shall be forfeited, and "divided amongst the brave defenders."

No. 9 is a letter from Batalla, the Spanish Captain and Supercargo, to Messieurs Rorosa Marino and Company, Havana, who, from the style in which they are addressed, are evidently the owners of the vessel. The letter is dated at Little Bassa, on the Malaguetta coast, on the 28th of September, 1838, two days before the capture of the "*Constitucão*," and was sent by that vessel, which was making a trip to New Sestos, under cover to Don Bartolomé Ferrer, who was at that place waiting a passage to Havana. The following is an extract from the letter in question:—

"Three months and eighteen days have passed since I opened trade, and I have already two hundred slaves, wanting twenty-two of the thirty-six slaves who escaped during the insurrection of the 20th of last month; but I expect people daily with those that they have got, and when they are paid, they will start immediately for others."

"The schooner is here now, and I am sending her with articles of barter to Triton, where I have a factory. Don Francisco Coll" (the first Mate who afterwards died at Sierra Leone) "is very ill;" the "Captain of the flag" Joaquim da Souza Pinto—(This is the general designation of the persons who figure on board these vessels as the Portuguese Master)—"is worse; and the second Mate is dead.

"The night before last, at 10 o'clock, I received a letter from New Sestos written by Don Bartolomé Ferrer, informing me that the schooner '*Eliza*' had been taken through the bad explanation of the *Captain of the flag*, who at once said, in plain terms, that he was trading for slaves." (The capture of the "*Eliza*" here referred to was reported in our Despatch marked Spain, of the 20th ultimo.) "The crew was left by the English brig-of-war 'Brisk' on board another vessel at anchor in the same place, and she took away only *the Captain of the flag*, and the first mate, Don Juan Fremul.

"To-morrow the schooner sails for New Sestos, to take on board a cargo of slaves which I have ready there. I have been obliged to have one hundred sets of shackles made at Cape Mesurado," (the American settlement supported by the Colonization Society.) "I hope you are in good health.

(Signed) "BATALLA."

With these papers on board, the "*Constituçāo*" was taken possession of by Her Majesty's brig "Brisk," Lieutenant Arthur Kellett, commanding, on the 30th of September, and on the 8th ultimo, the arrival of the prize in this harbour was reported by the Marshal.

The prosecution of the detained vessel was immediately entered upon, but much delay occurred in bringing it to a close, owing to the protracted and dangerous illness of the Master and Mate, the two witnesses in preparatory named by the Captor's Proctor. Before the examinations of these two persons could be taken, the Monition, issued on the 8th ultimo, had been served and returned by the Marshal; and in the same period, the Captor's declaration was received and filed, together with the papers of the detained vessel verified by affidavit; and a commission for the inspection of the fittings of the prize was issued, and returned with the Surveyor's Report on the matters submitted to them. By the last document, illegal equipment for the Slave Trade was established in the fullest manner.

To prevent further delay in the case, the Registrar was after some time directed to examine the Master and Mate at their lodgings, as the Surgeon of the Courts reported that it would be a considerable time before either of them would be in a fit condition to attend at the Registry; and it unfortunately happened that the Mate died before his examination could be taken.

The Master deposed that "he was born at Oporto, in Portugal; has lived during the last twenty years at Lisbon; is a subject of Portugal, and has never served any other State; that he is not married; that he was appointed to the command at Havana by a former Captain who died there, and who appointed him when on his death-bed in March last; that he does not know the name of the said former master, who, witness thinks, was a Portuguese; that he received possession of the

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vessel from the Portuguese Consul at Havana; whose name he believes to be Jozé Fernandez, and who was formerly, as he has heard, a merchant, and came from Florida; that he first saw the vessel at Havana when he obtained the command, and does not know where she was built; that he was present at the capture, and the vessel was seized without any good reason, but the reason assigned was an order from Donna Maria to seize all vessels with Portuguese colours; but the vessel sailed under those colours, and she had no others on board; that the vessel has never had any other name than "*Constituçâo*" to his knowledge; she is one hundred and forty tons burthen, and had a crew of thirty officers and mariners exclusive of witness, seven or eight of them being Spaniards and the rest of them Portuguese, all hired and shipped at Havana in March last by the former Captain, deceased; that neither he nor any of the officers or mariners had any interest in the vessel or cargo; that he was Master on board; that there was one passenger named Juan Batalla, a seaman by profession, but witness does not know of what nation, who embarked at Havana to go to St. Thomas', witness does not know on what business; that Batalla left the vessel before her capture at Little Bassa on the Coast, where he took a passage in another ship; that he had no concern or authority in or over the vessel or cargo; that the last clearing port was Havana, where the present voyage began, and was to end at St. Thomas; that he touched during the voyage at Little Bassa, and at several places along the Coast, from thence to Cape Palmas, in order to procure rice and palm oil; that he first saw the capturing vessel off New Sestos on the 7th of the present month, and capture took place there and then; that he was steering towards Cape Palmas at the time, with the intention of touching along the Coast for provisions, and in order to fall in with, if possible, some other vessel, from which he might procure a Mate to assist him in his navigation, his second Mate having died, and himself and his first Mate being sick at the time; that the course to St. Thomas' had been altered for these reasons only; that the owner of the vessel was named Almeida, Harbour Master, as he has heard, at St. Thomas', and, as he supposes, a Portuguese by birth; that he knows nothing further of him, and was told he was owner by the late Captain; that he knows nothing about any Bill of Sale; that the late Captain put the cargo on board at Havana; that he knows nothing of the vessel's lading on the last voyage; that the present cargo consists of rum, tobacco, gunpowder, muskets, iron bars, and dry goods; that after capture the vessel was brought to Sierra Leone."

Publication of the above evidence was granted on the 18th of October, 1838; and the Captor's Proctor then reopened the case on the 22nd ultimo, by putting some special interrogatories, with a view to obtain further information respecting the voyage. On these additional proceedings being published, the 10th instant was named for a day of trial.

The Court was fully convinced that Messieurs Borosa Marino and Company, of Havana were the owners of the "*Constituçâo*;" that Don Juan Batalla was the actual Master; and that the object of the voyage to the Coast was to obtain a cargo of slaves, whose immediate embarkation was only prevented, by the capture of the vessel destined and prepared for their reception.

On these grounds a sentence was pronounced by the Court, condemning the schooner "*Constituçâo*" as good and lawful prize to the Crowns of Great Britain and Spain.

We have, &c.
(Signed) H. W. MACAULAY.
R. DOHERTY.

Sierra Leone, November 12, 1838.

No. 21.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received May* 6, 1839.)

My Lord, *Sierra Leone, November* 12, 1838.

We have the honour to transmit to your Lordship enclosed our report of the case of the schooner "*Josephina*," alias "*Ramoncito*," alias "*Fausta*," Antonio José Puiga, late Master. This vessel was captured by Her Majesty's brig "Brisk," Lieutenant Arthur Kellett commanding, on the 17th ultimo, whilst at anchor in the river Gallinas, and was condemned here on the 10th instant, in the

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British and Spanish Mixed Court of Justice for being illegally equipped for the Slave Trade.

The "*Josephina*" exhibited a Portuguese Register and Matricula to the Captor, but she was cleared out from Havana as the Spanish schooner "*Ramoncito.*" The owner at Havana, however, strictly enjoined upon the Master, not to make use of his Spanish papers, except when entering a Spanish port.

The allegations of the captor as to the Spanish character of his prize, and as to the Slave Trade intentions evinced by her equipment, were fully established to the satisfaction of the Court by the evidence of the papers and witnesses; and the "*Josephina*" was accordingly condemned, as good and lawful prize to the Crowns of Great Britain and Spain.

We have, &c.
(Signed) H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 21.

Report of the Case of the Schooner "Josephina," *Antonio Joze de Puiga, Master.*

The papers with which this vessel sailed are the following:

1. A passport or register, granted by the Governor of the Cape de Verd Islands, and dated at Villa da Praia on the 12th January, 1837, setting forth that the Portuguese schooner "*Josephina,*" of American build, was owned and commanded by Antonio José de Puiga, and was bound to the city of Bahia. There is no indorsement whatever upon this document, but the usual receipt at the foot of the passport, for the payment of the fees due for affixing the Government seal, is dated the 13th of January, 1838. It is unnecessary to remark upon the discrepancy between the date of the passport and that of the receipt attached to it, as both dates are known to be false, so far as Puiga is concerned.

At the moment of capture, Gonzales, who had embarked on board the vessel as chief officer, and was at that time the master, owing to Puiga's death, was observed to seize a manuscript book and commence tearing the leaves. This was of course prevented, and the book proved to be the log of a voyage from Havana to the Coast of Africa, and back to Cuba, performed by a vessel called the "*Constituçion,*" between the 21st of September, 1837, and the 15th of January, 1838, and which landed on the latter date a cargo of slaves at Guanimar on the island of Cuba. The log-book throughout is kept in the handwriting of Antonio Jozé de Puiga, who sailed again from Havana three months afterwards, as the master of the schooner "*Josephina,*" now before us. Of the correctness of these facts there can be no doubt; and yet the passport under which the "*Josephina*" is sailing states, that she has been owned and commanded by Puiga since the month of January, 1837, and that the fee for obtaining an official seal to the "*Josephina's*" register was paid by Puiga at Villa da Praia, on the very day before he is proved to have landed a cargo of slaves on the coast of Cuba from another vessel. The authorities at the Cape de Verd Islands may not, however, be so much to blame as would at first sight appear, for an extensive manufacture of these passports is carried on both at Havana and on this coast; and the Portuguese Consuls at Cuba are at little pains to detect forgery and fraud in this respect.

No. 2 is the matricula certified by N. P. Trist, the American Consul at Havana, on the 28th April last, describing the "*Josephina*" as a Portuguese vessel bound to St. Paul de Loando. The captain and owner is said to be Antonio Jozé de Puiga, and the first and second officers are said to be Joao Gonzales and Genaro Truleta, all Portuguese; whereas Gonzales swears that his first name is Juan, not Joao, and that he is a Spaniard, and was born at Cadiz; and with regard to Truleta, his pilotage certificate from Havana declares that he was born at Santandar in Spain. Puiga himself is also proved to have been a Spaniard; his log and letters are all written in the Spanish language; he

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mentions in one of his letters that his family are resident at Corunna, and the cook of the same vessel swears that Puiga was born in the same place.

But, although the "*Josephina*" left Havana on the 5th of May last, with the Portuguese register and muster-roll which have been described, she cleared out from that port with different papers as the Spanish schooner "*Ramoncita*," and it was under the latter name that she was known to the slave-dealers on the coast. We have before alluded to the practice, adopted by Cuba vessels, of carrying both Portuguese and Spanish papers, the former of which are made use of when they are boarded and searched by Her Majesty's cruizers, and with the latter they clear out from Havana, and again re-enter that port in ballast. Such was the course pursued in the present instance.

No. 3 is a letter of instructions, addressed by Don Jozé Quevedo, the owner at Havana, to Puiga the master. The following is a translation:

"SIR,

"From the moment that you sail and lose sight of the Morro, you must use no other papers but the Portuguese, unless you should be obliged to put into any of the ports of this island, in which case you will make use of the Spanish papers.

"Your route to the Coast of Africa must be that which you may think the most safe; you will touch in going at the Gallinas; there you will see Don Pablo Alvarez. You will hear from him if he will give you your cargo for the merchandize which you carry, which cargo must be from 200 upwards; and the said Pablo ought also to provide provisions for them, without the undertaking being charged a 'real.' But if you should find that you can do nothing with this gentleman, or with any other with whom you should accidentally meet at that place, you will judge for yourself how you can best make the said cargo, taking care, however, that your stay does not exceed 100 days. Should you, at last, not be able to arrange your business, you will set sail without losing a moment, and continue your voyage towards the south, where you will settle the affair according to circumstances, taking care to visit the points of Loando, Ambriz, and all other trading places throughout Congo, in order to see in which you may find the greatest advantage.

"On your return voyage you will take the route which you may consider the safest for your owners. I prohibit you, under whatever pretext or motive it may be, from landing your cargo at St. Jago or Trinidad de Cuba. If, however, you should be absolutely compelled to do so, you will not dispose of the cargo until you shall have received my orders.

"As soon as the vessel shall have landed her cargo, you will cause her that instant to get under weigh, leaving on shore fetters, boiler, or whatever may cause detention.

"In case you should go to Guanimar, you will address yourself to Don Jose Miro; if to Bayahonda, to the house most suitable for the purpose; at Cabañas to Don Louis Amiot; at Mariel to Don Antonio Bela; and at any other place to the person with whom it may be most advantageous to treat for the cargo.

"I most particularly enjoin you not to lose any opportunity of informing me of the state of the undertaking, and what result may be looked for, writing for that purpose by every vessel that sails, whether Spanish or Portuguese.

(Signed) "JOZE QUEVEDO."

No. 4. Five days before the "*Josephina*," alias "*Ramoncito*," left Havana, the owner, Quevedo, sent on board that vessel a slave belonging to him, giving at the same time the following certificate.

"I, the undersigned, give permission to my negro, Quevedo, to go a voyage in the schooner "*Ramoncito*," of which Antonio Puiga is captain; and for which purpose I give this present document, this 30th of April, 1838.

(Signed) "JOZE QUEVEDO."

No. 5. The next document to be noticed is the log book of the voyage, from which it appears that the "*Josephina*," sailed from Havana on the 5th of May, and arrived at the Gallinas on the 9th of July last. On the 22d of July, after delivering her cargo to Don Pablo Alvarez at the last named port, she continued cruising for rice up and down the coast until the 16th ultimo, when

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she finally came to anchor at the Gallinas, having looked in there twice during the above interval. Captain Puiga died at sea on the first of August, and Gonzales then assumed the command. Capture took place on the 17th ultimo, the day after the vessel's return to the Gallinas. In several parts of this log, and in two other papers, the "*Josephina*" is called the "*Fausta*," a name which forms her second alias; but these slavers so frequently change their names, that the same vessel is often spoken of under a different name by different persons of the same crew.

No. 6. In addition to these papers, a bundle of letters was found by the captor, some addressed by Puiga, the late Master, who was on shore at the Gallinas, to Gonzales, the present Master, who remained on board; and others addressed by Pablo Alvarez, the consignee at the Gallinas of the outward cargo, and the intended shipper of the return cargo of slaves, to Puiga in the first instance, and after his death, to his successor, respecting the objects of the voyage.

The captor, Lieutenant Arthur Kellett, commanding Her Majesty's brig "Brisk," arrived here with his prize on the evening of the 25th ultimo, and on the following day took the usual measures for the prosecution of the vessel. The captors' declaration, and the affidavit, which verified the facts of capture and authenticated the ship's papers, were, with those papers, received and filed; a monition citing all interested parties was directed to the Marshal; a commission for a survey and inspection of the fittings of the vessel was issued to the surveyors of the Court, and the witnesses in preparatory were examined on the standing interrogatories.

The Master, Juan Gonzales, deposed, "that he was born in Cadiz, has lived, eight years in Havana, is a subject of Spain, and has never served any other state; that he took command of the vessel on the death of the former Master, Don Antonio Puiga, a Portuguese, who generally resided in Havana, and who died three months since on the coast; that Puiga had received possession nine months before at St. Jago, Cape de Verd Islands, but from whom witness does not know, that he first saw the vessel about six months ago at Havana; that she was built at some port of America, witness thinks at Boston; that he was on shore when the vessel was seized, on the pretence, as he was afterwards told, that her papers were not good and right; that she sailed under Portuguese colours, and had no others; that she is about eighty tons burthen, and had a crew of thirteen officers and mariners besides witness, all Spaniards and Portuguese, and all shipped by the late Master at Havana, where the voyage began, and where it was to have ended; that the vessel touched at Gallinas for wood and water, and thence went on two successive trips down the coast for rice, and on her return from the second trip she was captured; that the vessel was detained whilst at anchor; that her papers destined her to St. Paul de Loando, where she would have gone, after two more trips to the coast for rice, which she was bound to make in consequence of a contract to that effect made between the late Master, Puiga, and a merchant at Gallinas; that the late Master often told witness that he was sole owner of the vessel, but witness knows nothing of any bill of sale; that no papers were destroyed, concealed, or made away with; that he knows of no other papers than those produced relating to the vessel and cargo; that he does not know of any charter-party being made, or whether the vessel and cargo are insured; that the Havana cargo was discharged at Gallinas."

Joze de Subisarreta, the cook of the "*Josephina*," was the only other witness examined. He deposed, "that the former master, Puiga, resided at Havana, and was a Galician by birth, as witness has heard from his own mouth; that the detained vessel had a crew of 15 officers and mariners besides the master, *all Spaniards without exception*; that the present voyage began and was to have ended at Havana, which was the last clearing port; that he heard from both the former and present masters, and from all the officers, that the owner of the vessel was a merchant resident at Havana, but witness does not know of what nation the said owner was."

The most material articles of a slave equipment found on board by the surveyors, were 20 iron hatch-bars, sufficient plank to form a slave deck, a few iron bolts, 2500 gallons of water filled, and leaguers capable of containing 5000 gallons more, 10 buckets, and 25 mess tins, coppers large enough to

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cook for 300 persons, with a proportionate quantity of fuel, and a sufficiency of rice to feed 300 people for two months.

The publication of all the above evidence having been decreed, and the Monition issued on the 25th ultimo having been returned into the Registry on the 5th instant, the 10th instant was appointed for the day of trial. The ownership of the "*Josephina*" having been clearly traced to the house of José Quevedo of Havana, from which place indeed she cleared out as the Spanish schooner "*Ramoncito*," a sentence of condemnation was passed upon the vessel and her cargo, for a violation of the Tenth Article of the Spanish Treaty, in being illegally equipped for the Slave Trade.

(Signed) H. W. MACAULAY.
R. DOHERTY.

Sierra Leone, November 12th, 1838.

No. 22.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received May* 20.)

My Lord, *Sierra Leone, January* 5, 1839.

We have the honour to acknowledge the receipt of your Lordship's Despatch of the 2nd of November, 1838, transmitting a copy of a Despatch from Her Majesty's Commissioners at Havana, containing an account of suspicious vessels which had arrived at that port from the coast of Africa in the month of August last, and a list of those which had sailed from Havana to Africa during the months of July and August.

We have, &c.
(Signed) H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

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SIERRA LEONE. (*Portugal.*)

No. 23.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received February* 4, 1839.)

My Lord, *Sierra Leone, August* 10*th*, 1838.

We have the honour to hand to your Lordship enclosed our report of the case of the Portuguese brig "*Diligente*," Joao Baptista Simoni, Master, captured off the island of Cuba by Her Majesty's ship "Pearl," Lord Clarence Edward Paget, commanding, on the 24th April last, with 480 slaves on board, and condemned on the 4th instant in the British and Portuguese Court of Mixed Commission at this place.

After capture, the "*Diligente*" was taken, in the first instance, to Nassau, New Providence, where 475 slaves were, on the 7th May, landed and delivered into the charge of the Collector of Customs at that port. The vessel then proceeded to Bermuda, where she was surveyed, and found to be unseaworthy, and consequently unfit to attempt a passage to Sierra Leone. The ship's Papers, and the requisite certificates, vouchers, and receipts, were, however, sent to us in another prize by the same Captor, and arrived here on the 7th ultimo.

The Captor's allegations against the detained vessel were fully established by the evidence of the witnesses whom he produced. A sentence of condemnation was accordingly pronounced on the "*Diligente*" and her stores; and the survivors of the slaves landed from her at Nassau were decreed to be emancipated.

The transfer of this vessel from the Spanish to the Portuguese flag, was unquestionably fraudulent; the former Spanish owner and master still remaining on board, in the character of a passenger, and having, as admitted by the witnesses, the entire management of the vessel and her concerns.

We have, &c.

(Signed) H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 23.

Report of the case of the Portuguese brig "Diligente," *Joao Baptista Simoni, Master.*

The ships' papers, with which this vessel was furnished at the time of her capture, were the following:—

No. 1. A register or passport, granted by Roque Callaço da Veiga Vidal, Chief Secretary of Government in the Cape de Verd Islands, charged with the administration of Government during the absence of the Governor-General, to the Portuguese brig "*Diligente*," of American build, owned and commanded by Joao Duarte, 174 tons burthen, and armed with 2 guns (nine-pounders), 35 muskets, 20 cutlasses, and 10 pistols. This passport is dated at Villa da Praia, on the 16th of June. 1836. An endorsement on the following day states that, in consequence of the owner of the vessel being unable to go in her as Master, José Maria da Costa had been appointed to the command; and a warning on the subject of the Slave Trade was signed at the same time by the Secretary of Government, and the newly-appointed Captain. There is no notice on the passport, nor is there any other paper to show for what place the "*Diligente*" cleared out from the Cape de Verd Islands, but she was met with and examined on the coast by Her Majesty's brig "Bonetta," on the 4th of December, 1836. Nothing further is on record

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respecting her movements until the 20th of September, 1837, when her passport was visaed at Havana by the Portuguese Consul at that port, on the occasion of the "*Diligente*" clearing out for Princes Island, under the command of her present Master, Joao Baptista Simoni.

No. 2. The muster-roll, signed by the Portuguese Consul, Fernandez, on the 20th September, 1837, shows that the "*Diligente*" carried a crew of 37 persons, including the Captain.

No. 3. is a certified copy of a bill of sale of this vessel, dated at Villa da Praya, on the 16th of June, 1836. It describes the "*Diligente*" to have been formerly the Spanish brig "*Vengador*," and mentions a Spaniard of the name of Manoel Esquerdo as the seller, and the before-named Joao Duarte as the purchaser.

Nos. 4 and 5 are clearances and Custom-House papers, dated at Havana on the 21st of September, 1837, and in which the water-casks, boilers, and slave deck, are cleared out in the usual form.

No. 6 is the log-book of the voyage from Onim or Lagos, which was left on the 27th of February, 1838; and it is kept up regularly to the 24th of April, the day of capture.

The following is the Captor's declaration:—"I, Clarence Edward Paget, Commander of Her Britannic Majesty's sloop "Pearl," hereby declare that, on this 24th day of April, 1838, being in or about latitude 24° 20′ north, longitude 85° 50′ west. I detained the ship or vessel called the "*Diligente*," sailing under Spanish colours, armed with 2 guns, (nine pounders,) commanded by Joao Baptista Simoni, who declared her to be bound from Lagos, on the west coast of Africa, to any port in the Island of Cuba, with a crew consisting of 41 men and boys, and 1 passenger, whose names, as declared by them respectively, are inserted in a list at the foot hereof, and having on board 480 slaves, said to have been taken on board at Lagos on the 27th of February, 1838.".

This Declaration is signed by the Commander, First Lieutenant, and Surgeon of the "Pearl;" and a minute inventory of the stores of the "*Diligente*" on the day of her capture is annexed. attested by the signatures of the surveying officer, the Prize-master, and the Captain of the detained vessel.

On the 7th of May, a declaration of the necessity for disembarking the slaves at Nassau, in New Providence, was made in the form pointed out in the regulations; and on the same day the Collector of Customs at Nassau signed a receipt for 475 slaves, who were placed under his care and custody, 5 slaves having died before they could be landed in the Bahamas. A quantity of provisions, consisting of 240 bags and baskets of beans and Indian corn and 5 half-tierces of rice, were then delivered to the Vice-President of the African Board, for the support of the captured negroes; and the detained vessel forthwith proceeded to Bermuda, where, owing to her apparent unseaworthiness, a survey upon her was ordered by the naval store-keeper at that Island. The persons appointed to execute this survey were the foreman of shipwrights, and the carpenter, and supernumerary carpenter of Her Majesty's ship "Royal Oak," who reported, on the 26th of May, that very extensive repairs would be necessary, before the "*Diligente*" could be considered in a seaworthy condition; and that such repairs could not be made at the naval yard without seriously impeding the public service. It was accordingly resolved that the detained vessel should be left at Bermuda, there to await the result of the prosecution against her before this Court. The ship's Papers, and the necessary vouchers and receipts, were then given into the charge of Mr. Duncan M'Leod Mackenzie, senior Mate of Her Majesty's sloop "Pearl," the Prize-master of another vessel which was on the point of sailing for this place.

On the 7th ultimo the "*Diligente*" was regularly brought before the British and Portuguese Court of Mixed Commission, on the petition of the Captor's Proctor; the prize-master's affidavit of the facts of seizure was received and filed, together with the Captor's Declaration and its annexes, and the certificate of the disembarkation of the slaves at Nassau; the usual monition was issued; and the witnesses in preparatory, produced by the Captor, were ordered to attend at the Registry, for the purpose of being examined on the standing interrogatories.

The Master deposed, that he was born in Lisbon, and lives there; that he has never served any state but Portugal, and is unmarried; that he was appointed

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to the command, and possession was given to him, in Havana, about ten months since, by Manoel Esquardo, the owner of the cargo, who is a Spanish subject resident at Havana; that he was present when the vessel was seized for having slaves on board; that she had no colours but Portuguese; that the vessel has always been called "*Diligente*," so far as he knows; that she is 174 tons burthen, and had a crew of 36 officers and mariners, exclusive of witness, chiefly Spaniards, but part were Portuguese, and there were some Italians; part were hired by the aforesaid Esquerdo before witness joined the vessel, and the others were shipped by witness himself at Havana about ten months since; that neither witness, nor any of the officers or mariners, had any interest in the vessel or her cargo; that the witness was Master on board; that there was one passenger, the before-named Esquerdo, who was furnished with a passport from Havana as such, though he was the owner of the cargo; that Esquerdo accompanied the vessel from Havana to Lagos, and was on board at the time of the capture; that the present voyage commenced, and was to have ended, at Havana, which was the last clearing port, and whence the vessel proceeded to Lagos, where the outward cargo was landed, and slaves were purchased and shipped by Esquerdo; that the capturing vessel was first seen off the Island of Cuba, at about 4 a. m., and capture took place about the same hour the following morning, after a chase of 24 hours; that the detained vessel was steering for Havana at the time; that one Joao Duarte, a Portuguese by birth, and a resident at the Cape de Verd Islands, is the owner of the vessel; that witness has been so informed by Esquerdo, and has seen Duarte's name in the vessel's passport; that witness knows nothing further about the said Duarte; that he knows nothing about any bill of sale or the price of the vessel; that Esquerdo was the sole owner, lader, and consignee of the cargo; that the slaves were to have been landed on the coast of Cuba, on account and risk of the said Esquerdo; that the cargo, at the time of capture, was slaves, of whom 520 were taken on board at Lagos; that 41 slaves died previous to capture, and 5 or 6 afterwards, and before they were landed; that after capture the vessel was taken to Havana, thence to New Providence, and lastly to Bermuda; that witness does not know whether the vessel be insured, as she was entirely under Esquerdo's management with regard to her trade.

Augustin José Perdoni, the cook of the detained vessel, was also examined on the same interrogatories, and deposed generally to the same facts as the Master; he states, in addition, that the "*Diligente*" sailed under Portuguese colours; that there was also a Spanish ensign on board, which was hoisted when they fell in with a man-of-war; that he is wholly ignorant who is the owner of the vessel, or who would have been the consignee of the cargo; that the lader of the slaves was the passenger, Manoel Esquerdo.

After the publication of the above evidence was decreed, a day of trial was prayed for, and Saturday, the 14th ultimo, on which day the monition, issued on the 7th ultimo, was made returnable into the Registry, was fixed for the purpose. In the meantime, however, Her Majesty's Commissary Judge was attacked with a serious and protracted illness, which incapacitated him from attending to business of any description until the 4th instant, on which day the Court met for the adjudication of the case, when it was decreed that the Portuguese brig "*Diligente*," Joao Baptista Simoni, Master, was legally and justifiably detained by Her Majesty's sloop "Pearl," Lord Clarence Edward Paget commanding, and that she be condemned as good and lawful prize to the Crowns of Great Britain and Portugal, for being engaged in the illicit traffic in slaves. The Court further decreed that 480 slaves were on board the "*Diligente*" at the time of her capture, of whom five died previous to the arrival of the detained vessel at Nassau; and the remaining 475, handed over to the Collector of Customs at Nassau, or the survivors of them, were at the same time decreed to be emancipated from slavery.

(Signed) H. W. MACAULAY.
R. DOHERTY.

Sierra Leone, 10*th August*, 1838.

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No. 24.

Her Majesty's Commissioners to Viscount Palmerston, (Received February 4. 1839.)

My Lord, *Sierra Leone, 10th August, 1838.*

We have the honour to inform your Lordship that, on the 4th instant, the Portuguese brig "*Camoens*," Felix Cosmé Madail, Master, was condemned in the British and Portuguese Court of Mixed Commission, for being engaged in the illicit traffic in Slaves; and at the same time the survivors of the 569 slaves, who were landed from the condemned vessel at Nassau in New Providence, were decreed to be emancipated.

From the inclosed report of this case, your Lordship will perceive, that the "*Camoens*" was captured off the Island of Cuba, on the 30th of April last, by Her Majesty's sloop "Sappho," Thomas Frazer, Esq, commander, with 572 slaves on board, who had been embarked at Lagos on the 13th day of the previous month. After capture, the "*Camoens*" was taken to Nassau, where all the slaves, with the exception of three who died in the intermediate time, were landed, and delivered into the charge of Mr. Hamlyn, the collector of customs at that place.

From Nassau the detained vessel was carried to Bermuda, and thence despatched to Sierra Leone for adjudication. She arrived here on the 16th ultimo; and the evidence taken in the case having shown that the "*Camoens*" was one of the numerous vessels employed in carrying on a Spanish Slave Trade under the Portuguese flag, a sentence of condemnation against her necessarily followed.

We have, &c.,

(Signed) H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 24.

Report of the Case of the Portuguese Brig "Camoens," *Felix Cosmé Madail, Master.*

The following papers were found on board this vessel at the time of her capture:—

1. An extraordinary passport, granted by Joaquim Antonio de Magalhaes, Minister Plenipotentiary from Portugal to the Emperor of Brazil, dated in Rio de Janeiro, the 11th of July, 1836, and by which the Portuguese brig "*Camoens*," owned and commanded by Joao Antonio Chaves, a Portuguese subject, is authorised to sail from Bahia to the Islands of Princes and St. Thomas. This passport was registered in the Portuguese Consulate at Bahia on the 28th of July, 1836; and on the 27th of August the "*Camoens*" cleared out from that port, under the command of José Gonsalves da Silva. On the 21st of November following she was boarded and examined by Her Majesty's brig "Charybdis," whilst lying in Lagos roads; and thence proceeded to Havana, it is presumed, with a cargo of slaves, as we find from an endorsement on the passport by José Miguel Fernandez, the Portuguese Consul at Havana, that she left that notorious slave-mart on the 19th of September, 1837, bound again to the coast of Africa, under the command of her present Master.

No. 2 is the Matricula, or list of the crew, attested by the Portuguese Consul at Havana, and dated at that place on the 19th of September, 1837.

No. 3. The Clearances and official manifest, granted on the same day by the authorities at Havana, contain the usual notice as to the water-casks and boilers being intended for holding and clarifying palm oil.

No. 4. The Log-book exhibits nothing deserving of notice.

The "*Camoens*" had escaped the notice of Her Majesty's cruisers on this coast, and had nearly reached her destination, when she was happily fallen in with and detained by Her Majesty's sloop "Sappho," by the Commander of which vessel the following declaration was made and attested in the usual form:—

"I, Thomas Fraser, Esquire, Commander of Her Britannic Majesty's sloop

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"Sappho," hereby declare, that, on this 20th day of April, 1838, being in or about latitude 24° 4' North, longitude 80° 8' West, I detained the brig, named the "*Camoens*," sailing under Portuguese colours, unarmed, commanded by Felix Cosmé Madail, who declared her to be bound from the River Lagos to the Island of Cuba, with a crew of thirty-five men, including the Captain, and two passengers; and having on board 572 slaves, said to have been taken on board at Lagos, on the 13th day of March, 1838."

To this declaration is annexed an inventory of the stores, sails, and other furniture on board the "*Camoens*" at the time of her detention, and a certificate as to the necessity of disembarking the slaves at Nassau, New Providence, owing to the disease and debility from which they were suffering, in consequence of their long confinement. Three slaves died before they could be received on shore at Nassau; but the remainder, to the number of five hundred and sixty-nine, were placed in charge of Mr. W. T. Hamlyn, the Collector of Customs there to await the adjudication of the vessel.

On the 10th ultimo, the arrival of the "*Camoens*" in this harbour was reported by the Marshal, and on the same day proceedings were commenced against the vessel by the Captor's Proctor in the usual form. The Prize Master's affidavit, verifying the statements of the Captor's declaration, and authenticating the ship's papers, was, with those papers, received and filed, a monition was issued, calling on all interested parties to appear; and the witnesses in preparatory were ordered to give immediate attendance, that their examinations on the standing interrogatories might be taken.

The Master deposed "That he was born in Lisbon, and lives there; that he is a Portuguese subject, and has never served any state but Portugal; that he appointed himself to the command of the detained vessel, being owner of her, having received possession of her twelve months since at Havana from Manoel Isidore, the former owner; that he was present when the vessel was captured for having slaves on board; that she had no colours but Portuguese; that she is about 280 tons burthen, and had a crew of about thirty-four officers and mariners exclusive of witness, part Portuguese and part Spaniards, all hired and shipped at Havana by witness in September last; that both vessel and cargo belong to witness; that there was one passenger on board, Francisco Silst, a Spaniard, a resident at Havana, who was embarked at Havana in September last for a passage to the coast of Africa and back; that the said passenger had no authority in the vessel; that the last clearing port was Havana, where the voyage commenced, and where it was to have ended; that from Havana the vessel proceeded direct to Lagos, where the slaves were shipped; that there was a bill of sale from Manoel Isidore to witness, made at Havana in July last; that there were no subscribing witnesses; that the said bill of sale has been left at Havana; the price paid for the vessel was seven thousand dollars, and was all paid in cash; that witness is sole owner, lader, and consignee of the cargo; that the slaves were to have been landed on the coast of Havana; that after seizure the vessel was taken to New Providence, thence to Bermuda, and from that place to Sierra Leone."

Jaimé Moysi, the first Mate of the "*Camoens*," was also examined; but his deposition tended to elicit nothing new, being only a repetition of that given by the Master.

The above evidence was published on the 18th ultimo, and a Court was summoned for the 23rd following, on which day the monition which had been published on the 16th ultimo, was returned into the registry, with the certificate of the Marshal of its having been duly served.

The serious illness of the British Commissary Judge prevented the sitting of the Court at the time appointed; and the case was finally adjudicated on the 4th instant, on which day the Court declared that the Portuguese brig "*Camoens*," Felix Cosmé Madail, Master, was engaged in the illegal traffic in slaves at the time of her capture by Her Majesty's sloop "Sappho," Thomas Fraser, Esquire, Commander, having on board at the time of her detention five hundred and seventy-two slaves, of which number three died prior to the arrival of the "*Camoens*" at Nassau, and five hundred and sixty-nine were landed on that island on the 7th of May last.

It was thereupon decreed that the "*Camoens*" be condemned as good and

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lawful prize to the Crowns of Great Britain and Portugal, and that the survivors of the five hundred and sixty-nine slaves landed at Nassau be emancipated from slavery.

(Signed) H. W. MACAULAY.
Sierra Leone, August 10th, 1838. R. DOHERTY.

No. 25.

Her Majesty's Commissioners to Viscount Palmerston.—(Received February 4, 1839.)

My Lord, *Sierra Leone, August* 15, 1838.

Herewith we have the honour to lay before your Lordship our Report of the case of the Portuguese brigantine "*Paquete Felis*," Manoel de Brito Lima, Master, condemned for having been found to the north of the Line with a cargo of slaves on board, who had been shipped three days prior to capture in the river Bonny.

This vessel was detained by Her Majesty's schooner "Fair Rosamond," Lieutenant William Brown Oliver, commanding, on the 13th ultimo, with 195 slaves on board, and was immediately sent to this place for adjudication. She arrived here on the 1st instant, and the proceedings against her were closed on the 8th instant, on which day a sentence was pronounced by the British and Portuguese Court of Mixed Commission, by which the vessel and her stores were declared to be good and lawful prize, and the 187 slaves, the survivors of the cargo shipped, were emancipated.

In this case, as in every other which we have lately had to report, the Portuguese flag was merely used as a cover for Spanish property. The vessel cleared out as the Spanish brigantine "*Ceres*," from Havana, laden with trade goods for the coast; and without finding it necessary either to discharge her outward cargo, or to change her crew, she obtained Portuguese papers from the Governor of the Cape de Verd Islands; and although the former Spanish Master was furnished by the same Governor with a passport, stating that he was "a shipwrecked Spanish sailor," he still continued in the vessel as before, directing her voyage, managing her concerns, and purchasing her cargo of slaves.

We have &c.
(Signed) H. W. MACAULAY.
R. DOHERTY.

The Right Honourable Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 25.

Report of the Case of the Portuguese Brigantine "Paquete Felis," *Manoel de Brito Lima, Master.*

On the 20th of January last, this vessel, then called the "*Ceres*," cleared out at Havana under Spanish colours, for the Cape de Verd Islands, under the command of Pedro Tudela, and arrived at her destination on the 22nd of February last, being at that time fully laden with goods suited to the African trade. At Villa da Praia, St. Jago, in the Cape de Verd Islands, a nominal bill of sale was executed on the 21st March, 1838, by the Spanish master, Tudela, to Joao Baptista Fereira dos Santos, said to be a Portuguese subject, and the vessel on the same day assumed the Portuguese flag, and obtained a Portuguese passport from the Portuguese Governor-General of the Cape de Verds. At Porto Praya, the "*Ceres*," whose name was now changed to that of "*Paquete Felis*," was placed under the nominal command of her present Portuguese Master, and cleared out for Maranham, the former Spanish Master, Tudela, still retaining the direction and management of the voyage in the same manner that he had done before the fictitious transfer had taken place.

Instead of sailing for Maranham, the "*Paquete Felis*" went direct to the river Bonny, where, after a short space of time, she shipped a cargo of slaves, with whom she was returning to the Havana, when fallen in with and detained by Her Majesty's schooner "Fair Rosamond," on the 13th ultimo.

The papers found on board the detained vessel are:

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1. Portuguese passport.
2. Muster-roll.
3. Clearance of cargo.
4. Bill of sale.
5. The log-book of the voyage from Havana to Porto Praya, and thence to the river Bonny.
6. A passport from the Portuguese Governor-General of the Cape Verd Islands, dated on the same day as the four first papers, describing Pedro Tudela, the real owner and nominal seller of the "*Paquete Felis*," as a shipwrecked Spanish sailor, and authorising him to make a passage in the vessel to Maranham.

Immediately after capture, the "*Paquete Felis*" was despatched to Sierra Leone, and her arrival in this harbour was reported by the Marshal on the 31st ultimo. The surgeon of the courts then visited the slaves, and stated that eight of them had died from dysentery since capture; that twenty-seven cases of dysentery and two of ulcer had been marked by him in the usual manner for hospital treatment; that the rest of the slaves were unusually clean and healthy-looking; but that the inadequate size of the vessel, and the inclemency of the weather, rendered it necessary that the whole should be landed as soon as possible. This recommendation from the surgeon was at once carried into effect, and the healthy portion of the slaves were placed in the Liberated African yard in Freetown, and the sick deposited in the hospital at Kissy.

The prosecution of the "*Paquete Felis*" was opened by the Captor's Proctor on the 1st instant, on which day the ship's papers, the Seizor's declaration, and the affidavit of the prize officer, were lodged in court; the monition was issued, and the witnesses in preparatory were produced for examination. The declaration is to the following effect:—"I, William Brown Oliver, Lieutenant and Commander of Her Britannic Majesty's schooner 'Fair Rosamond,' do hereby declare that, on this 13th day of July, 1838, being in or about latitude 4° 15′ north, longitude 7° 20′ west, I detained the brigantine named '*Paquete Felis*,' sailing under Portuguese colours, armed with no guns, commanded by Manoel de Brito Lima, who declared her to be from the river Bonny, and having on board one hundred and ninety-six slaves, said to have been taken on board in that river, on the 10th day of July, 1838."

In reply to the standing interrogatories, the Master deposed "That he was born at Bona Vista, and lives at Port Praya, in the Cape Verd Islands; that he has never served any state but Portugal; that he was appointed to the command of the detained vessel, and possession of her was given to him at Porto Praya, in March last, by Juan Baptista Fereira Santos, a resident of that place, and a Portuguese subject; that he first saw the vessel at Havana about nine months since; that he believes she is Portuguese built; that he was present when the vessel was captured for having slaves on board; that she had no colours but Portuguese; that she was formerly called "*Ceres*;" that she is about 120 tons burthen, and had a crew of twenty-six officers and men, exclusive of witness, part Portuguese and part Spaniards, all (except three who were shipped at the Cape Verd Islands by Juan Baptista Fereira Santos) hired and shipped at Havana, but when or by whom witness does not know; that neither witness, nor any other of the officers or marines, had any interest in the vessel or cargo; that there was one person on board, furnished with a passenger's passport, whose name is Pedro Tudela, who was the former Master of the vessel, and who acted as supercargo at the time of capture; that the said Tudela is a Spaniard by birth, and a seaman by profession, and having commanded the vessel from Havana to Porta Praya as Master (witness being then only a passenger on board), was there furnished with a passport, and was on board for a voyage to Bonny and Havana; that witness was under the orders of the said Tudela with respect to the vessel's course; that the voyage commenced and was to have ended at Havana; that the last clearing port was Porto Praya in the Cape Verd Islands; that the vessel left Havana under the command of Pedro Tudela; that witness cleared out from Porto Praya for Maranham, but after they had got to sea, Pedro Tudela directed witness to steer for the Bonny, and when arrived there, Tudela went on shore and purchased slaves from the natives; that the capturing vessel was first seen outside

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the bar of the Bonny on the 13th of July, and capture took place after about two hours' chase; that the vessel was steering for Havana at the time, and made every effort to escape; that he does not know who is the owner of the cargo; that the lader and consignee of the slaves was Pedro Tudela, the supercargo; that the cargo shipped at Havana on the present occasion consisted of rum and dry goods; that the present cargo is slaves, of whom 197 were shipped in the Bonny; that some of the slaves died between their shipment and capture; that the vessel was under the management of the supercargo, Pedro Tudela, in regard to her trade."

The evidence of the First Mate, Miguel Cerda, the other witness examined, so closely corresponds with that given by the Master, that it will be unnecessary to quote it at length.

An affidavit of the Prize Master was then filed, accounting for the deaths which had occurred amongst the slaves subsequent to the date of capture; and the Monition being returnable on the 9th instant, that day was fixed for the adjudication of the case.

The sentence of the court was that the Portuguese Brigantine "*Paquete Felis*," Manoel de Brito Lima, Master, be condemned as good and lawful prize to the crowns of Great Britain and Portugal, having been captured whilst engaged in the prohibited traffic in slaves, by Her Majesty's schooner, "Fair Rosamond," Lieutenant William Brown Oliver, commanding. It was further decreed that there were on board the "*Paquete Felis*" at the time of her captnre, 195 slaves, that 8 had died since; and that the survivors, 187 in number, be emancipated from slavery.

(Signed.) H. W. MACAULAY.
R. DOHERTY.

Sierra Leone, August 15*th*, 1838.

No. 26.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received February 4th*, 1839.)

My Lord, *Sierra Leone, August* 15*th*, 1838.

We have the honour to transmit to your Lordship enclosed, our Report of the case of the Portuguese schooner, "*Felix*," Miguel Avalha, Master, captured by Her Majesty's ship "Madagascar," Commodore Sir John Strutt Peyton, Commanding, about twenty miles to the eastward of Port Royal harbour, Jamaica. We have also the honour to forward a copy of the judgment pronounced on the 8th instant, and by which the detained vessel was decreed to have been subject and liable to condemnation at the time of her capture; and the survivors of the slaves landed from her at Jamaica, were decreed to be emancipated.

The "*Felix*" was owned by the notorious Pedro Martinez, who dispatched her from Havana to the Cape de Verd Islands, in the month of October, 1837, having first placed on board a Portuguese subject, named Miguel Avalha, who was nominally to assume the command of the vessel at Port Praya, on her receiving there a Portuguese flag and pass. The adventure was, however, in all its parts essentially Spanish; the crew and the outward cargo were shipped at Havana; and the return cargo of slaves was on its way to Havana, when it was captured by Her Majesty's steam-vessel "Flamer." The "Flamer," unfortunately for her, was unprovided with the instructions necessary to enable her to make seizures of Portuguese vessels engaged in the Slave Trade. As soon, therefore, as the "*Felix*" reached Jamaica, she was withdrawn from the possession of the first unauthorised seizor by Commodore Sir John Strutt Peyton, commanding Her Majesty's ship "Madagascar," by whom the detained vessel was sent to this place for adjudication, after the slaves found on board had been landed and delivered into the care of the Collector of the Customs at Kingston.

The "*Felix*" was driven on shore, and lost near Fort St. Louis Senegal, but the papers of the vessel, and a sufficient number of witnesses from the detained crew were soon after brought down to this place by the prize officer.

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We beg leave respectfully to refer your Lordships to the enclosed papers for ample details of this interesting and important case.

We have, &c.

(Signed) H. W. MACAULAY,
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 26.

Report of the case of the Portuguese Schooner "Feliz," *Miguel Avalha, Master.*

THE only papers found on board this vessel at the time of her capture, were a passport and muster-roll, both dated at Porto Praya, in the Cape Verd Islands, on the 20th of November, 1837, and in which the "*Felix*" is declared to be the property of the notorious Francisco Cardozo de Mello, to have been built in Spanish America, and to be bound for the city of Maranham, by way of Havana.

In this case, as in the last, the Cape Verd Islands were visited solely for the purpose of obtaining a Portuguese flag and pass, the crew and cargo shipped at Havana still continuing on board, and the vessel remaining, as before, under the command of the Spanish Captain, although the nominal Captain was thenceforward the Portuguese, Miguel Avalha, who had, however, joined the vessel in like manner at Havana.

In naming Maranham as the port to which the "*Felix*" was destined, the only object was, of course, to deceive; and the "*Felix*" went direct from Porto Praya to the river Gallinas, in the neighbourhood of this colony, where she took on board a cargo of 342 slaves, with whom she returned to the West Indies, and had nearly completed her voyage when she was detained by Her Majesty's Post-office Steam Packet, "Flamer," and brought to anchor off the south-east end of the island of Jamaica.

The history of the "*Felix*" from this period until her arrival on the coast, the manner in which she was removed from the possession of the "Flamer" into that of the "Madagascar," and her subsequent total loss in the neighbourhood of the Senegal, are fully detailed in the annexed copy of the judgment which was pronounced in the case; and we now resume the account of the proceedings connected with this vessel, from the time when a prosecution was commenced against her in the British and Portuguese Court of Mixed Commission, on the part of Commodore Sir John Strutt Peyton, who had seized the "*Felix*" off Jamaica, and despatched her to this place for adjudication.

On the 10th of May, 1838, the ship's papers of the "*Feliz*" were brought into court, duly authenticated by the affidavit of the Prize Master, Mr. Henry William Baugh, mate of Her Majesty's ship "Madagascar," who also deposed that the said ship was duly authorised and empowered, according to the provisions of the additional Convention to the Treaty with Portugal, to make seizures of vessels under Portuguese colours engaged in the slave-trade. Two declarations of the captor, the original and a subsidiary one, were also filed the same day; and the Monition prayed for was granted and issued.

The original Declaration is to the following effect:—"I, Sir John Strutt Peyton, Knight, K.C.H., Commodore of the second class, &c. &c. &c., in command of Her Majesty's ship 'Madagascar,' hereby declare that, on this 5th day of February, 1838, I did, by one of my boats, in charge of Mr. Hammel Ingold Strutt, Master of the said ship, (being of the same naval rank as a Lieutenant, and acting in pursance of orders given to him by me,) detain the schooner named the '*Felix*,' at a distance of about four miles south-east half east from the Yallahs, White-horses, about twenty miles to the eastward of Port Royal, Jamaica, sailing under Portuguese colours, unarmed, and commanded by Miguel Avalha, who declared her to be bound from the river Gallinas to Cuba, and having on board 326 slaves, said to have been taken on board in the river Gallinas, on the 8th day of January, 1838."

In his Subsidiary Declaration the Captor states that, "finding it necessary to disembark the whole of the said slaves before the vessel could arrive at Sierra Leone, to which place it was his intention to send the '*Felix*' for adju-

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dication, on account of there not being a sufficient quantity of provisions for their subsistence for more than six days; on account of the state and condition of the vessel; and, further, on account of the general sickness and mortality which must ensue amongst the slaves from their continuing any longer in a cramped and confined state; therefore, from these necessities, 324 slaves, as shown in the accompanying receipt, were, on the 9th day of February, 1838, disembarked at Kingston, Jamaica, where they remained."

The receipt here referred to is signed by Mr. J. G. Swainson, Collector of Customs at Kingston, and states that 240 male, and 84 female slaves, were delivered to him from the Portuguese schooner, "*Feliz*," by Sir J. S. Peyton, on the day already named.

The witnesses in preparatory, produced for examination on the standing interrogatories, were a seaman, and the cabin-boy of the detained vessel. The first, named Marco Rolland, deposed "that the Master, Miguel Avalla, was born in Minorca, and resides either at Porto Rico, or Havana; that the Master was appointed to the detained vessel at Havana, about seven months ago; that the vessel is Spanish built; that he was present when the vessel was seized for having slaves on board; that she sailed under Portuguese colours; that there were 16 officers and marines, exclusive of the Master, part Portuguese and part Spaniards, but all hired and shipped at Havana about seven months since; that the voyage commenced, and was to have ended at Havana; that the slaves were shipped in the Gallinas, from which river the '*Feliz*' was proceeding to Havana, when she was fallen in with and captured by a British steam-vessel; that the owner of the vessel is Pedro Martinez, who is a Spaniard by birth, and resides at Havana; that witness has heard Martinez say that he is the owner; that the consignee of the cargo at Gallinas, and the lader of the slaves there, was a Spanish Captain, whose name witness forgets, who has been residing there trading for slaves during the last three years; that the owner of the slaves is Pedro Martinez; that the lading shipped at Havana on the present voyage was tobacco, rum, and dry goods; that after capture the vessel was taken to Jamaica, and whilst at anchor off the island, in charge of an officer and party from the steam-boat which had captured her an officer and party from a British man-of-war, lying at Port Royal, boarded the detained vessel, and took possession of her; that the detained vessel was then anchored close to the man-of-war, and thence she was proceeding to Sierra Leone, when she was lost off Senegal; that Spanish Captain, who was on board as supercargo, had the sole management of the vessel with regard to her trade."

Juan Miguel Altizen, the cabin-boy of the "*Feliz*" deposed that there were two Masters of the detained vessel, the principal one a Spaniard, called Don Juan, the other a Portuguese, called Don Miguel; that the said Masters were appointed to the vessel at Havana by Pedro Martinez; that all the crew were hired and shipped by the Spanish Master; that there was no passenger, unless the Spanish Captain can be so termed, as he took a passenger's passport at the Cape Verd Islands, though he was in fact the person who had the chief authority on board; that the last clearing port was St. Jago, one of the Cape Verd Islands, where the vessel's papers from Havana were taken on shore by the two Masters, and new ones procured, and after remaining there three or four days, the vessel went on to the Gallinas, where the slaves were shipped; that the lader of the slaves was Don Pancho Ramon, a resident slave-trader in the river Gallinas.

On the publication of the above evidence being decreed, the Captor's Proctor was called upon by the Court to state why the Master of the detained vessel had not been produced in accordance with the 8th Article of the regulations. To account for the Master's absence, an affidavit of the Prize Officer was tendered, in which that gentleman deposes that "on Monday, the 23rd of April last, deponent with his prize crew, and the Master and two seamen belonging to the detained vessel, arrived at Senegal, when the Governor of the place engaged a passage for them in a trading cutter bound to Goree; that the said cutter was ready for sea on the following day about one o'clock in the afternoon; that the same notice was given to the Master; but that, when deponent and his crew were ready to embark, the said Master was not to be found, although all the crew were employed in searching for him until 3 o'clock of that day, when they were obliged to embark without him."

It had, however, come to the knowledge of the Commissioners, that the

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Master of the "*Feliz*" had subsequently reached St. Mary's, on the river Gambia, and had applied, but unsuccessfully, for a passage to this place in a vessel which was coming down. It might, therefore, be expected that, by some other conveyance, he would reach the colony in a short time. On this ground, when a petition for a day of trial was presented by the Captor's Proctor, the Commissioners followed the same course which was pursued by their predecessors, Messrs. Gregory and Hamilton, in the case of the "*Conchita*," Class A, 1824—1825, p. 31,) in accordance with the first article of the Regulations, and deferred giving judgment on the case until the 16th ultimo, (which day would complete two months from the date of the Monition being issued,) unless the Master should in the mean time make his appearance. The protracted illness of the Commissary Judge caused the judgment to be again deferred until the 8th instant, on which day, after hearing the arguments of counsel, the Court entered upon a close examination of the grounds, on which it might be supposed, that the restoration of this vessel would have been claimed, had any qualified representative of the owners been present in the character of claimant.

The "*Feliz*" having been captured north of the Line, with a cargo of slaves on board, the only argument which could be brought forward in favour of a sentence of restoration, must be founded on the fact that, although the "*Feliz*" was taken possession of and prosecuted by Her Majesty's ship "Madagascar," she was brought within the power of that man-of-war by a previous illegal detention by Her Majesty's steam-vessel "Flamer;" on which ground it might be urged that reason, and the practice of the Sierra Leone Courts in the case of the "*General Manso,*" were opposed to the condemnation of a prize taken under such circumstances.

Plausible as this argument appears, it was not deemed conclusive by the Court. A decision, directly the reverse of that given in the case of the "*General Manso,*" had been pronounced by our predecessors, Messrs. Jackson and Smith, in the case of the "*Donna Barbara;*" and this decision, which fully recognized the lawfulness of second captures, under such circumstances as marked the case of the "*Feliz,*" had, so far as this important principle is concerned, been unimpeached by the Advocate General, to whom it was referred for his legal opinion.

With these two opposite decisions before us, we adopted that given in the case of the "*Donna Barbara,*" as more conformable to the letter and spirit of the Portuguese Treaty; and because the judgment which restored the "*General Manso,*" was made to depend, not on the merits of the case, not on the violation of the Treaty and of justice in the capture of the "*General Manso,*" but on the supposed disapproval by Government of second captures under any circumstances, and on the supposed absence of any notice by Government of the "*Donna Barbara's*" condemnation for the two years following that event.

Of the opinion and intentions of the Government we took an entirely different view, founded on an important and voluminous correspondence, the existence of which was altogether unknown to the Commissioners who restored the "*General Manso.*" We considered that there was no Article in the Treaty which restricted the right of an authorised cruiser to capture Portuguese slave-vessels, having slaves on board, to the northward of the Line; that even when such slave-vessels have been subjected to the power of an authorised cruiser by the illegal act of another, the authorised cruiser may still detain them, unless she have been in some way or other cognisant of, assistant in, or conniving at, the illegal act by which those slave-vessels have been brought within her reach; and that reparation for the illegal act, which has thus led to capture and condemnation, must, by the 13th Article of the Regulations, be sought from the guilty party and from his government, and not from the innocent cruiser, who has acted in strict conformity with the instructions published for his guidance.

It was accordingly decided by the Court, that Her Majesty's ship "Madagascar," Commodore Sir John Strutt Peyton commanding, was proved to have been duly qualified to make seizures of Portuguese slave-vessels engaged in the Slave Trade; that by the 5th, 6th, and 7th articles of the Convention, Commodore Peyton was justified in seizing the Portuguese schooner "*Feliz,*" Miguel Avalha, Master; that the said schooner was, at the time of her total loss, subject and liable to condemnation; and that the survivors of the 324

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slaves landed from the said schooner in the island of Jamaica, on the 9th day of February last, be emancipated from slavery.

(Signed) H. W. MACAULAY.
R. DOHERTY.

Sierra Leone, August 15, 1838.

Second Enclosure in No. 26.

Judgment given in the Case of the Portuguese Schooner "Feliz,' *Miguel Avalha, Master.*

THIS vessel was sailing under Portuguese colours, and was furnished with regular Portuguese papers, when she was detained by Her Majesty's steam-vessel "Flamer," between the islands of Jamaico and St. Domingo, for having on board a cargo of slaves. The crew of the detained vessel were immediately removed on board the "Flamer," except the Portuguese captain, a Spanish passenger or supercargo, the cook, and the cabin-boy; an officer and six men from the capturing ship, were appointed as a prize crew to carry the "*Felix*" into Jamaica; and on the evening of the 3rd, or the morning of the 4th of February last, she came to anchor off the east end of that island. A certified extract from the log of Her Majesty's ship "Madagascar," signed by Sir John Strutt Peyton, the Captain, and by the Master and Second Master, of that man-of-war, furnishes some further information respecting the prize. The log states—"Sunday the 4th of February, 1838, at 7 p.m., arrived Her Majesty's steam-vessel 'Flamer,' having detained a slave-vessel, and left her off the east end of the island, not being empowered to make capture of her. Monday the 5th February, 1838, at 4 a.m., sent the Master in the gig to the eastwards, with the requisite slave-papers and authorities for seizing a slaver, to look after and examine the vessel left by the 'Flamer' off the east end of the island. At 4 p.m. arrived the '*Feliz*,' Portuguese schooner, with 326 slaves on board, having been taken possession of by the Master about 20 minutes past 9 a.m., four miles south-east half east from the Yallahs, White Horses, about 20 miles eastward of Port Royal Harbour, there being no log, reckoning, nor papers, relative to her registry and freightage to be found on board of her, nor any authority for her seizure, according to the service of the existing Treaties. At 5° 30′ sent a mate, six seamen, and four marines, to take charge of slaver."

A Declaration of the facts of capture was then made in the usual form, stating particularly that the capturing officer belonging to the "Madagascar," was "acting in pursuance of orders given him by Sir John Strutt Peyton." On the 9th of February, the slaves found on board the "*Feliz*" were landed on the island of Jamaica, and placed in charge of the Collector of Customs at Kingston; and on the 18th of the same month, the "*Feliz*," after receiving some repairs, was despatched for trial before this Court, in the charge of Mr. H. W. Baugh, Mate of the capturing frigate.

The Prize-officer had unfortunately no chronometer on board, and was out in his reckoning; and on the 7th of April he came to anchor about 40 miles north of Fort St. Louis on the Senegal, where he landed, and unsuccessfully endeavoured to procure provisions and water, of which he was much in need. In attempting to get under weigh from this inhospitable coast, his vessel drifted on shore and went to pieces. Everything belonging to himself, the vessel, and the crew, was plundered by the Moors, who carried the ship-wrecked men some distance into the country, and treated them with much cruelty, until they were rescued by a party of French traders, by whose assistance they arrived at Senegal on the 23rd of April, and a few days afterwards were provided with means of reaching the British settlement of St. Mary's, on the river Gambia, whence they came to this place in Her Majesty's brig "Curlew." When they left Senegal, the Portuguese Master of the "*Felix*" was not to be found, and he had evidently absconded, from a disinclination to be carried down to Sierra Leone with his companions.

We much regret this absence of the Master, and the consequent want of a claimant for the detained vessel; and we feel bound, under the circumstances, carefully to examine the arguments which have formerly been advanced in

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defence of vessels similarly situated, or which appear to be in favour of a sentence of restoration, in this particular instance.

The detention of the "*Feliz*" by Her Majesty's steam-vessel "Flamer," was, there is no doubt, altogether unjustifiable; inasmuch as the latter was not furnished with the Instructions required by the Slave Treaty with Portugal, to enable her even to visit and search, much less to seize and detain, any Portuguese vessels engaged, or suspected to be engaged, in the prohibited traffic in slaves. If the "*Feliz*," therefore, had been brought into Court, and prosecuted by the Commander of the "Flamer," she must have been restored, with damages for her illegal capture.

The illegality of the first seizure being admitted, it may be argued that Commodore Peyton, the second seizor, duly qualified as he was to capture Portuguese vessels engaged in the Slave Trade, was not justified in taking advantage of the wrong committed by the first seizor; that he ought not to have overlooked the unlawful means by which the "*Feliz*" was brought within his reach; that a fair and equitable construction of the Treaty with Portugal will not sanction the condemnation of a Portuguese slave-vessel thus taken possession of, not in the ordinary prosecution of her voyage, but when forced out of her intended route by a violent and illegal act; that the second seizure was clearly the consequence of the original unlawful detention; that the knowledge of the illegal employment of the detained vessel having been acquired by improper means in the first instance, it is not competent for any one to proceed upon, or in consequence of, it; that a sentence of condemnation against the "*Feliz*," at the suit of the second captor, would be an effectual bar to the admission of any claim for redress against the first captor.

Such appear to us to be the arguments available in defence of the detained vessel; nor can we discover that any other has ever been made use of, except that which has been drawn from the case of the "*Donna Barbara*," and to which we shall advert separately. But, plausible as these arguments appear, we are far from deeming them conclusive.

We do not consider that the mere fact of second capture, without reference to the particular circumstances under which it takes place, is a bar to the condemnation of a vessel. On the contrary, our deliberate opinion is, that when a slave-vessel, subject and liable to capture by a duly qualified man-of-war has been detained by an unqualified man-of-war; and, in consequence of her detention by the latter, has been brought within the power of the former; the authorized cruiser is justified by the Convention and Instructions annexed to it, in making a prize of the contraband trader, and in sending her for adjudication before the Court of Mixed Commissions; and the detained vessel may be condemned by the Court as a good and lawful prize, *unless* it shall appear that the second captor has been in some way or other connected with the original illegal detention. If, indeed, any collusion whatever can be proved; if the first seizure has been made with the knowledge, connivance, or assistance of the second captor, the latter cannot be permitted to take advantage of the consequences of his own wrong; and he becomes identified, for all practical purposes, with the first illegal seizure, which, being unwarranted by Treaty, must necessarily be followed by the restoration of the vessel which has been unjustly detained.

In all such cases as the present it appears to us that our judgment should wait upon the answers, which can be given to the following questions:—Have the first and second captors acted in all respects independently of each other?—Has there been a total absence of fraudulent or collusive arrangement between the two parties?—Has the second captor, while taking advantage of the wrong done by the first captor, been himself implicated in any degree in the perpetration of that wrong?

Applying this test to the capture of the "*Feliz*," it is evident that there was, and could have been, no collusion between the Commander of the "Flamer" and the Commander of the "Madagascar." The "Flamer" was a post-office packet, and whilst on her way to Jamaica, and not far from her port of destination, she fell in with a Portuguese vessel full of slaves, which she detained. On the arrival of the "Flamer" in the harbour of Port Royal, the unauthorised detention of the "*Feliz*" became known to Sir John Strutt Peyton, the Commodore commanding the Jamaica squadron, who was lying in harbour at the time, on board Her Majesty's ship "Madagascar," and who

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was authorised to seize vessels under the Portuguese flag engaged in the Slave Trade. No time was lost by the Commodore; and a proper officer was immediately despatched by him to examine and seize the "*Feliz*" as a prize to the man-of-war under his command. The first communication which took place between the "Flamer" and the "Madagascar" was late in the evening of the 4th of February last, and, by four o'clock the following morning, measures were taken by Commodore Peyton, on his own responsibility, to re-seize the "*Feliz*," and to withdraw her from the power and possession of her first unauthorised captor.

Let us now consider whether this act of Commodore Peyton was authorised by the Portuguese Treaty and its annexes.

It has been proved by the Captor's Declaration, and by the affidavit of the Prize-master, that the Commodore was supplied with the requisite instructions. He therefore possessed the right, in virtue of the 5th, 6th, and 7th Articles of the Convention, to visit and detain any Portuguese vessel "having slaves on board acquired by an illicit traffic." Of this right there is no qualification or restriction to be met with in the Treaty; and the only condition imposed is, a strict adherence "to the exact tenor of the instructions which shall have been received for this purpose." The condition was complied with by Commodore Peyton in every respect, and the right of seizure was consequently enjoyed by him in its fullest extent.

It will be proper here to notice the argument of the proctor for the Captors, that Commodore Peyton had no discretion, no option, but that he was bound by the Convention and Instructions to seize every Portuguese slave vessel which might be brought within his power. We do not agree in opinion with the learned gentleman. On the contrary, the articles of the Convention and Instructions, which have reference to the right of search and detention, seem to have been studiously framed with the object of leaving the authorised cruiser to act altogether on his own discretion and responsibility, unfettered by any positive order or recommendation. See the terms of the 5th Article of the Treaty:—"Ships of war, which shall be provided with special instructions for this purpose, *may* visit suspected merchant vessels, and *may* detain and bring away such vessels." In the Instructions also, see the first Article, where the cases are enumerated, in which "alone the Commander of an authorized man-of-war *may* detain" Portuguese slave vessels.

We need not argue this matter further; and it will now be sufficient to state that, in the present case, we consider the Captor who has brought the "*Feliz*" before this Court, exercised a sound discretion in assuming the responsibility which he did.

A reference to the Treaty will also show, with regard to another argument urged in the claimant's favour, that a sentence of condemnation against a detained vessel, in favour of the second seizor, cannot in any degree lessen or affect the claim for redress possessed by the owners of the detained vessel against the officer concerned in the first seizure. By the 13th Article of the Regulations it is stipulated that "in the case of a vessel detained unjustly, and in which the Captor should neither be authorised by the tenor of the Convention nor of the Instructions annexed to it, the Government, to which the detained vessel may belong, shall be entitled to demand reparation." The owners of the "*Feliz*" may therefore fairly be left to adopt such measures as they may think most desirable for obtaining redress from the Commander of the "Flamer," either by application to the ordinary courts of law or to the British Government.

Influenced by these considerations, and acting on the principle which we have laid down as applicable to all similar cases of second capture, we have no hesitation in deciding, that the capture of the "*Feliz*" by Her Majesty's ship "Madagascar" was in perfect accordance with the letter and spirit of the Portuguese Treaty. It is therefore decreed, that the Portuguese schooner "*Feliz*," Miguel Avalha, Master, her hull, tackle, apparel, and furniture, and the goods, wares, and merchandize laden on board, were, at the time of the capture thereof by Her Majesty's ship "Madagascar," Commodore Sir John Strutt Peyton commanding, subject and liable to condemnation for a breach of the Treaty between Great Britain and Portugal on the subject of the Slave Trade, dated on the 22nd of January, 1815, and of the additional Convention thereto signed at London on the 28th of July, 1817. It is further decreed

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that there were on board the detained vessel, at the time of her capture, 326 slaves, of which number two slaves died on the day of detention, and that the survivors, at the present day, of the 324 slaves landed in Jamaica on the 9th day of February last, be now emancipated from slavery.

The decision which we have just pronounced, while it is directly at variance with the judgments delivered by Commissioner Lewis and Acting Commissioner Campbell, on the 18th of July, 1836, in the similar cases of the "*General Manso*," "*Victorina*," and "*Josefa*," Class A., 1836, pages 38 to 58, is in exact accordance with the opinion entertained by our predecessors, Commissioners Jackson and Smith, who condemned the "*Donna Barbara*," Class A., 1829, page 52. And with these two distinct and opposite judgments before us, we give our decided preference to that pronounced by Messrs. Jackson and Smith, *so far as the abstract point of second captures is concerned.*

The restoration of the "*General Manso*," by Messrs. Lewis and Campbell, was made to depend entirely on the notice which the case of the "*Donna Barbara*" had received from His Majesty's Government, and on the supposed disapproval by Government of second captures under any circumstances. We read the comments of His Majesty's Government very differently, and draw from them a totally opposite conclusion. Had no such case ever been adjudicated as the "*Donna Barbara*," we should have felt bound to condemn the "*Feliz*," for the reasons which we have already stated; but the condemnation of the "*Donna Barbara*," and the course which the Government subsequently pursued with respect to that vessel, are calculated, in our opinion, to sanction, not to oppose, a sentence of condemnation in the present case.

We will briefly describe the case of this vessel, as it appears in the records of the Brazilian Court of Mixed Commission. His Majesty's ship "Sybille," Commodore Sir F. A. Collier commanding, captured the Brazilian brig "*Andorinha*," in Lagos Roads, on the 19th of February, 1829, and despatched her to Sierra Leone in charge of Mr. Browne, a Master in His Majesty's Navy. On his passage to this port, Mr. Browne fell in with the Brazilian schooner "*Donna Barbara*," laden with slaves, and from a mistaken zeal for the service, detained her, and brought her along with him to this port for adjudication. The arrival of the "*Andorinha*" and her prize was reported to the Commissioners in the usual manner by the Marshal. But, before the Commissioners had time to act in any way upon this singular report, Lieutenant Harvey, commanding the "Paul Pry," which had just before been purchased at this place on account of the Commodore, and was being fitted out in this harbour, and intended to be employed as a tender to His Majesty's ship "Sybille," boarded the detained vessel in a boat belonging to the "Sybille," and took possession of her. Lieutenant Harvey then libelled her in the British and Brazilian Court, and stated in his declaration that he was duly authorised, and furnished with written instructions from Commodore Collier, to make seizure of vessels engaged in the illicit traffic in slaves. Although Mr. Browne, the prize-officer of the "*Andorinha*," who was the first captor of the "*Donna Barbara*," and Lieutenant Harvey, who was the second captor, were both officers belonging to the same man-of-war, there appears to have been no collusion between them. The first acted, as the Commissioners state, "*from a mistaken zeal for the service*," believing himself to be justified in what he did; and the second, in taking the detained vessel out of the hands of the first unauthorised captor, acted in equal good faith, firmly believing that he possessed sufficient authority in the written instructions of Commodore Collier, who was lying at Fernando Po, fifteen hundred miles distant at the time. The right of Mr. Browne, the first seizor, to seize the "*Donna Barbara*," was not contended for; and the Commissioners properly remarked that, "had she been brought into Court by this officer, there is no question but that the Court must have instantly pronounced it an illegal capture." "The zeal of Mr. Browne," they add, "betrayed him into an illegal and unwarranted act; and had the case stopped here, and this officer been the person to bring this vessel before the Court for adjudication, she must necessarily have been restored; but, as it now stands, the Court know nothing of Mr. Browne as captor; he appears before them only as a witness in the cause; and the '*Donna Barbara*' is brought into Court as a prize to the 'Paul Pry,' tender to His Majesty's ship 'Sybille.'"

With regard to the right of the "Paul Pry," the second captor, to be considered as properly qualified under the Treaty, the Commissioners decided that

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the "*Donna Barbara*," was seized "by an unauthorised vessel and officer;" that she was captured by Lieutenant Harvey, commanding the "Paul Pry," a tender to His Majesty's ship "Sybille," with a boat on board belonging to the said ship, and provided with written instructions from Commander Collier, to make seizures of vessels engaged in the illicit traffic in slaves. And again, the "Paul Pry" was "*duly authorised* and furnished with the instructions to make seizures of vessels engaged in the illicit traffic in slaves." The "*Donna Barbara*" was accordingly condemned as good and lawful prize to the "Paul Pry," tender to His Majesty ship "Sybille," Lieutenant Harvey commanding; and the slaves found on board of her were at the same time decreed to be emancipated.

The correctness of this decision, it is true, was subsequently questioned by His Majesty's Government, but *solely* on the ground that the "Paul Pry" could not justly be considered "to have formed a part of, or to have been incorporated into, the Royal Navy of Great Britain;" that the instructions under which she seized the "*Donna Barbara*" were signed by Commodore Collier, and not by the Lords of the Admiralty; that she had never joined the "Sybille" previous to her taking possession of the "*Donna Barbara*," and that she was not entitled to be considered a tender to the "Sybille."

On this point the practice of the Admiralty Court was clear and decisive, even before the case of the "*Donna Barbara*" was adjudicated. See 1 Robinson, page 235. "All title to sea-prize must be derived from commissions under the Admiralty, which is the great fountain of maritime authority."

In the "*Anna Maria*," 3 Robinson, page 211, Sir William Scott states that, in order to prove the required connexion between a ship and her alleged tender, some orders must be produced to show in what manner the tender was attached to the man-of-war. If she was attached as a tender it must have been in consequence of some orders in writing. Unless such orders can be produced, it does not appear that the fact can be properly established. In the "*Melomane*," 5 Robinson, page 41, the authority of tenders acting without a commission from the Admiralty is strongly denied. Also in the case of the "*Charlotte*," 5 Robinson, page 280, the same principle is laid down. "I am of opinion," says Sir William Scott, "that there is no sufficient foundation to induce the Court to consider the capturing vessel in the capacity of a tender. She is not recognised in terms by any authority proceeding from the Admiralty, neither is the nature of the service imposed upon her such as to induce a supposition that she must have been so considered by the Admiralty."

But while on these and similar grounds, the decision of the Commissioners, that the "Paul Pry" was "*duly authorised* and furnished with the instructions to make seizures of vessels engaged in the illicit traffic in slaves," was clearly shown to have been erroneous, and was disapproved of accordingly, the lawfulness of a second seizure of a slave-vessel by a duly qualified man-of-war, under certain circumstances, has never yet been questioned or impugned by the Government in the slightest degree.

The judgment in question consisted of two parts. The first declared that the "Paul Pry," the captor of the "*Donna Barbara*," possessed the requisite powers and authority for seizing slave vessels; the second part recognized the lawfulness of the capture of a slave vessel by a duly qualified cruizer, under such circumstances as in this case have marked the capture of the "*Feliz*" by Her Majesty's ship "Madagascar." The Government was at great pains to express an elaborate opinion that the judgment of the Commissioners on the *first* point was wrong; but, with regard to the judgment of the Commissioners on the *second* point, the Government was perfectly silent; and this silence may reasonably be taken as a proof that this part of the Commissioners' judgment was deemed to be correct and proper.

In drawing this inference from the silence of the Government, and particularly of the Advocate-General, to whom the subject was referred, we are supported by the authority of Sir William Scott, who, in the case of the "*Elsabe*," 4 Robinson, p. 110, in allusion to an appellate judgment of the higher Court affirming a sentence of the Admiralty Court, says: "How far the appellate judgment has confirmed *all* the principles that are laid down in the judgment of this Court, has been questioned in argument. It is a question, however, into which I do not feel myself disposed, or called upon, to enter very minutely, for the reason already given, that if they are not positively *disclaimed* by the

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Court above, they continue to bind the legal conscience of the Court below. At the same time, I think it hardly possible to avoid two observations: first, that, if the principles had been such as that Court disapproved, it could not but have felt the obligation of disclaiming them. They are principles of considerable extent, operating on great subjects, and leading to great consequences; they are not indifferent in their nature, and, if erroneous, it should rather seem that public interests called forcibly for a public disavowal of them; secondly, that although it is not to be supposed that every incidental expression of opinion is confirmed by that judgment, it seems, *ex vi necessitatis*, that the leading and fundamental positions must be considered as affirmed." So also do we conclude that the main principle on which the "*Donna Barbara*" was condemned by His Majesty's Commissioners, namely, the *lawfulness of second captures under certain circumstances*, must be considered as affirmed by the British Government, from the absence of any disclaimer or disallowance of that principle by the Secretary of State, or by the high legal authority to whom the judgment in that case was referred.

To show that we are fully borne out in this statement, we will quote at length the correspondence, which has taken place between her Majesty's Government and Her Majesty's Commissioners on this subject; and which, not being inserted in the annual Parliamentary Slave Trade Papers, will be unknown to the legal gentlemen, and seems altogether to have escaped the notice of the Commissioners who decided the case of the "*General Manso.*" This indeed is evident; as those gentlemen remark, (Class A., 1837, p. 48,) "The views stated by the Commissioners (Jackson and Smith), in their report on the case of the '*Donna Barbara*,' under date of the 13th of April, 1829, *remained unapproved and unnoticed for upwards of two years*; whereas the despatches, which we shall now proceed to read, were both written during that interval.

The first is from Lord Aberdeen, and dated July 2, 1830. His Lordship, after remarking upon the evidence detailed in the Commissioners' report of the case of the "*Donna Barbara*," writes:—"Upon these facts, thus established against the '*Donna Barbara*,' the Commissioners pronounced that the ship and cargo were, at the time of the capture and seizure thereof, engaged in the illicit traffic in slaves, and, as such, subject and liable to confiscation: and the Commissioners condemned the same as having been taken in illicit traffic by the 'Paul Pry,' tender to His Majesty's ship 'Sybille,' Lieutenant Harvey commanding, and moreover pronounced the slaves to be emancipated from slavery, and to be employed as servants and free labourers.

"The King's Advocate reports that, in this view of the case taken by the Commissioners, so far as respects the establishment of the fact of the vessel having been engaged in the illicit traffic in slaves, he entirely concurs; but he does not agree with them in opinion that the 'Paul Pry' was duly authorized and furnished with Instructions to make seizures of vessels engaged in the illegal traffic in slaves; for it appears in the letter of the Commissioners, dated 14th of April, 1829, and marked separate, that the 'Paul Pry' had never joined the 'Sybille;' that she was originally the '*Arcensa*,' Brazilian schooner, condemned at Sierra Leone in December, 1829, and had never left the harbour since such condemnation, the officer commanding her having been sent up to Sierra Leone as Prize-master in the brig 'Jules,' with a detachment of seamen belonging to the 'Sybille,' for the express purpose of taking charge of her.

"The King's Advocate observes that, under these circumstances, he is of opinion that the 'Paul Pry' was not, at the time of the capture in question, entitled to be considered a tender to the 'Sybille;' that she had never been attached to, or formed a part of, the force of that ship, in any manner whatever; and that the mere circumstance of her being manned by a part of the officers and crew of the 'Sybille,' and having one of her boats on board, could not confer upon her the character of a tender to that ship, even supposing tenders to be, as such, authorised to make captures when acting separately, and at a considerable distance, from the ships to which they have been attached,—a conclusion in which the King's Advocate does not concur.

"The King's Advocate adds, that, by the 5th Article of the additional Convention with Portugal, signed at London on the 28th of July, 1817, it is expressly stipulated, that the visit and detention of slave ships shall only be effected by those British and Portuguese vessels, which may form part of the

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two Royal Navies, and by those only of such vessels which are provided with the special Instructions annexed to the present Convention; and which Instructions, according to the provisions of the 7th Article, must be signed, for the vessels of each of the two powers, by the Ministers of their respective Marine; and that the 'Paul Pry' does not appear, under the circumstances stated, to have formed a part of, or to have been incorporated into, the Royal Navy of Great Britain, nor to have been furnished with proper Instructions; those under which she was acting having been signed by Commodore Collier, and not by the Lords Commissioners of the Admiralty, who are alone competent to sign and issue Instructions.

"*Upon these grounds*, the King's Advocate states himself to be of opinion, that the capture in question was irregular, and ought not to have been made; and observes, on this point, that it is difficult, with reference to the provisions of the Treaty, upon which alone the right of seizing Brazilian ships engaged in the Slave Trade depends, to maintain the legality of the sentence pronounced by the Commissioners."

The King's Advocate "having further suggested, that, *as the capture of the* 'Donna Barbara' *appears to have been made by a vessel not duly qualified under the provisions of the Treaty*, it will be proper to communicate the facts of this case to the Lords Commissioners of His Majesty's Treasury, in order that their Lordships may take into consideration the expediency of withholding any order for the payment of the bounty for the emancipated slaves to the captors, on the ground that, *the seizure having been made without sufficient authority*, they are not entitled to the benefits arising from it: a communication to this effect has, in accordance with that suggestion, been made to the Lords of His Majesty's Treasury; and the facts of the case have been communicated to the Lords of the Admiralty, with a request that their Lordships will issue such instructions to the Commanders of His Majesty's ships and vessels, appointed for the prevention of illegal Slave Trade, as their Lordships shall judge to be expedient, to prevent a recurrence of the irregularity alluded to."

The King's Advocate here declares, "That the capture of the '*Donna Barbara*' was irregular," on the ground of her having been seized by an *unauthorised vessel*. Is it to be supposed that, if he deemed the capture of a slave-vessel by an *authorised* vessel irregular, under the same circumstances he would have taken so much pains, and have entered into such a long argument, to show that the capturing vessel in this instance was not armed with the requisite powers to seize? If the seizure of the '*Donna Barbara*,' whether by an *authorised* or *unauthorised* vessel was unjustifiable and irregular, where was the object, of what importance was it, to discuss so minutely the character of the detaining vessel? If it was irregular for an *authorised* vessel to make such a seizure, it was doubly so for an *unauthorised* vessel to attempt it. But on such a supposition, the elaborate remarks of the King's Advocate must appear to be without object or meaning.

This important Despatch in like manner clearly explains the grounds on which the Lords of His Majesty's Treasury withheld from the Captors the bounty for the slaves belonging to the "*Donna Barbara*." Was it (as stated in the report of the "*General Manso*"), because, the *first* capture of the "*Donna Barbara*," being illegal, "all the consequences thereof must be also unlawful?" No; it was *solely* because the *second* capture of the "*Donna Barbara*" appeared to have been made by a vessel not duly qualified under the provisions of the Treaty.

Let us now turn to the Despatch of His Majesty's Commissioners (Findlay and Smith), in which they acknowledge the Despatch from Lord Aberdeen which has just been read, and in which not one word will be found to show that those gentlemen conceived that the propriety of second captures was in any manner questioned or denied by the King's Advocate.

"*Sierra Leone, September* 16*th*, 1830.

"My Lord,

"We have the honour to acknowledge the receipt of your Lordship's Despatch, of the 2nd of July, 1830, communicating to us the opinion of His Majesty's Advocate-General, upon the subject of the detention and condemnation of the Brazilian schooner '*Donna Barbara*,' under a charge of having been concerned in illegal Slave Trade, but more particularly with reference

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to that part of the case which bears upon captures made by tenders apart from the ships to which they belong.

"Upon a careful perusal of the opinion which His Majesty's Advocate-General entertains upon the subject of tenders capturing ships carrying on an illicit traffic in slaves, we are led to the conclusion, that no vessel, intended to be employed as a tender, can be considered as a tender, unless she have actually joined His Majesty's ship, to which it is intended she shall be attached; and that her having a boat on board, and being manned with officers and crew belonging to His Majesty's ships, does not confer authority upon her to make seizures of slave-ships engaged in the illegal traffic; that no tender, after having joined His Majesty's ships, is authorized to make captures of slave-ships, when acting separately, and at a considerable distance, from the ship to which she has been attached; that, in order to render legal the detention of slave vessels by tenders, when detached from His Majesty's ships to which they belong, such tenders must be furnished with the signed Instructions, required by the Treaties for the suppression of the Slave Trade, by the Lords Commissioners of the Admiralty, who are alone competent to sign and issue such Instructions.

"Conceiving that we have thus taken a correct view of the opinion which His Majesty's Advocate-General holds upon the subject, we shall not fail to take that opinion as the rule of our conduct in future cases which may come before us involving this question; and should any slave-vessel be hereafter captured by a Tender acting separately, and at a considerable distance from the ship to which she belongs, not duly authorised and furnished with Instructions according to Treaty, we shall feel it to be our duty to restore such slave-vessel, on the ground of the irregularity of the capture.

"At present there are but two tenders belonging to His Majesty's ships employed on this coast; viz. His Majesty's brig 'Black Joke,' duly furnished with the signed Instructions, now attached to His Majesty's ship 'Atholl,' and a small schooner, not duly furnished with the signed Instructions, attached to His Majesty's ship 'Medina;' and it is with considerable satisfaction we learn from your Lordship that the facts of the case of the '*Donna Barbara*' have been communicated to the Lords of the Admiralty, with a request that their Lordships will issue such instructions to the Commanders of His Majesty's ships and vessels appointed for the prevention of illegal Slave Trade, as their Lordships shall judge to be expedient to prevent a recurrence of the irregularity which distinguished the case of the '*Donna Barbara*;' and we humbly hope that those instructions may be so distinct and positive that His Majesty's ships cannot misinterpret them.

"We have, &c."

It will be observed that in this Despatch no reference is made to any other subject than the employment of tenders, and the forms requisite to invest those tenders with authority to seize slave-vessels.

The reply to the Commissioners' Despatch will be found at Class A., p. 70, 1831, dated 9th August, 1831, and is signed by Lord Palmerston.

"GENTLEMEN, "*Foreign Office, August 9th*, 1831.

"I received your Despatch of the 16th of September, 1830, in which you appear uncertain whether or not you accurately understood the opinion of the King's Advocate, of which a copy had been furnished to you for your guidance in the Secretary of State's Despatch to you of the 2nd of July, 1830, *upon the subject of captures made by tenders when apart from the ships to which they belong*.

"My attention has recently been called to *this* case by a judgment of the High Court of Admiralty, to whose decision the application of Commodore Collier for payment of the bounty for the slaves captured in the '*Donna Barbara*' was referred; and the Judge in this case pronounced that the capture was not made under such circumstances as entitled the captors to the bounty. As he, at the same time, explained, at considerable length, the principles on which his decision was grounded, I think it may be useful to send to you a copy of the sentence, and I herewith enclose it.

"You will do right to act in conformity with the principles therein laid

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down; and I do not apprehend that you will experience any difficulty in applying those principles to such cases as may hereafter be brought under your consideration.

"I am, &c.
(Signed) "PALMERSTON."

From this Despatch it is likewise evident that "the subject of captures made by tenders when apart from the ships to which they belong" was the sole subject matter of discussion between the Commissioners and Her Majesty's Government.

Again, if we turn to the report of the case of the '*Donna Barbara*,' 2 Haggard, page 366 to 377, and to the judgment delivered in that case by Sir Christopher Robinson, in the High Court of Admiralty, on the 13th of July, 1831, we shall not find a single allusion, however distant, to the question whether a second seizure of the '*Donna Barbara*' by an *authorised* vessel would have been justifiable. That sentence has reference merely to the right possessed by a boat, or by a tender, to be considered as part and parcel of a man-of-war, from which it is separated by a distance of 1500 miles. And the learned Judge carefully abstains from alluding to the proceedings which took place at Sierra Leone. He says, "The legality of the sentence of the Court of Mixed Commission is not denied on petition, and it will not be necessary for me to do so."

From all that has been said, we consider ourselves warranted in forming the conclusion, that, so far from there being anything in the opinions expressed by Her Majesty's Government, or in the sentence of the Admiralty Court, respecting the case of the "*Donna Barbara*," unfavourable to the condemnation of the "*Felix*," captured as she has been by a duly qualified vessel of war, whose authority to make such seizures will not admit of question or dispute, there is every reason to believe that a sentence of condemnation, in this case, will be as much in accordance with the wishes of Her Majesty's Government as it is with our view of the correct interpretation of the Treaties which we have been appointed to carry into effect.

We have shown, we think incontestibly, from documents, of the existence of which the Commissioners who restored the "*General Manso*" seem not to have been aware, that the *unauthorized character* of the "Paul Pry," which re-seized the "*Donna Barbara*," was *alone* the cause of the condemnation of that vessel being disapproved of at home. The Commissioners (Lewis and Campbell), on the contrary, reasoning on the belief that the "Paul Pry" was duly "authorized to seize vessels engaged in the illicit traffic in slaves," and that it was the re-seizure, after a first illegal detention, to which Her Majesty's Government objected, restored the "*General Manso*," not because the second captor was unfurnished with proper authority (which indeed he was admitted to possess), nor because any collusion between the first and second captor was imagined to exist, but because the first seizure was proved to have been illegal; and because it was erroneously supposed, that the opinion of Government and of the Court of Admiralty had been expressed that, under such circumstances, no second seizure could be justifiable.

A reference is made by these Commissioners to a reported reversal, by the High Court of Delegates, of the sentence pronounced by the Admiralty Court in the case of the "*Donna Barbara*." The Commissioners expressed their disbelief of such a reversal, "of which (they say) no authentic proof had been tendered." If, then, it had been made clear to those gentlemen that the sentence of the Admiralty Court, on which their decision was founded, had been actually set aside on appeal to the higher court, it is to be presumed that the judgment of the Commissioners would have followed that of the Court of Delegates, and been the reverse of what it was. There is, we believe, no doubt of the correctness of the report noticed by the Commissioners; but whether correct or not is a matter of small consequence, as the judgment on appeal must necessarily have been confined to the only question entertained originally by the Admiralty Court, namely, the authority of boats and tenders under certain circumstances; a question which did not in any way present itself either in this case or the case of the "*General Manso*;" nor do we see any cause for surprise, that the sentence of the High Court of Delegates has not been furnished to Her Majesty's Commissioners, inasmuch as that sentence

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could only relate to the laws and regulations respecting tenders, a description of vessels the use of which on this coast has for a long period been discontinued.

Sierra Leone, August 8th, 1838.

No. 27.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received February* 4, 1839.)

MY LORD, *Sierra Leone, September 20th*, 1838.

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 13th July, 1838, enclosing copy of a letter from Mr. Under Secretary Stephen, of the Colonial Office, to the Foreign Department, on the subject of disposing of slaves, prior to adjudication, by enlisting them into the British military service, and by apprenticing them to persons able and willing to provide for them, as was done in the case of the Portuguese vessels "*Don Francisco*" and "*Florida.*"

My Lord Glenelg is of opinion that, even if it should ultimately appear that the slaves who were on board these vessels at the time of capture, and who were landed in the West Indies to await the judgment of the Mixed Commission Court, were "not liable to condemnation; the removal of them as slaves, from any British colony at which they may so have arrived, or their detention there in confinement to await the adjudication at Sierra Leone, would be inconsistent with the law for the abolition of the Slave Trade, and with the laws in force in the colonies.

We beg leave to remark, that it was never for a moment contemplated by Her Majesty's Commissioners that slaves, situated like those belonging to the "*Don Francisco*" and "*Florida*," should be detained *in confinement* during the interval between their landing in the West Indies and their adjudication by the British and Portuguese Mixed Court at Sierra Leone; but merely that they "must be kept and detained in the character of slaves until sentence be pronounced whether they shall be restored or not." Such was the deliberate legal opinion of the law officers of the crown, given in a formal and official document dated "Doctors' Commons, January 26th, 1827," and signed by Sir Christopher Robinson, Sir Charles Wetherell, and Sir Nicholas Tindal; and it was communicated to us "for our information and guidance" by Mr. Secretary Canning, under date February 26th, 1827, Class A, 1827, pages 2 to 7.

We have, &c.

(Signed) H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 28.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received April* 1, 1839.)

MY LORD, *Sierra Leone, November 12th*, 1838.

IN our Despatch, marked Portugal, of the 7th of April last, to which we beg leave respectfully to refer your Lordship, we reported the prosecution, in the British and Portuguese Court of Mixed Commission, of the Portuguese schooner "*Ingemane*," Antonio Joaquim da Faria, Master; and the reasons which induced us to withhold a *final* sentence of condemnation against the vessel, and of emancipation to the slaves found on board of her, until some evidence should be furnished to show that the vessel and slaves were in existence.

As soon as this decision of the Court was known in the West Indies, the Honourable Plantagenet Pierrepoint Cary, the Commander of Her Majesty's sloop "Comus," and the Captor in the case, took measures to forward the necessary documents and receipts to his Proctor in this Colony, by whom they were presented to the Court a few days since.

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These papers consisted of, first, a certificate from Colonel Francis Cockburn, Lieutenant-Governor of the Bahamas, that 79 negroes, captured in the slave schooner "*Ingemane*," were received by His Excellency on the 9th day of October, 1837, from Her Majesty's sloop "Comus;" and, secondly, a report from two merchants, and two master mariners, who formed a board of survey on the state and condition of the detained vessel, declaring that the "*Ingemane*" was "in an unfit state to proceed to Sierra Leone."

The prize was placed in the charge of the Comptroller of Customs at Nassau, to await the judgment of this Court.

The documents, just quoted, happily supplied us with all the requisite intelligence, respecting the fate of the detained vessel and her human cargo. It was accordingly decreed, at a sitting of the British and Portuguese Court of Mixed Commission, on the 10th instant, that the Portuguese schooner "*Ingemane*," Antonio Joaquim da Faria, Master, be condemned as good and lawful prize to the Crowns of Great Britain and Portugal. It was further decreed, that there were on board the "*Ingemane*," at the time of her capture by Her Majesty's sloop "Comus," the Honourable Plantagenet Pierrepoint Cary commanding, 82 slaves, of whom three died before they could be landed at Nassau; and that the 79 slaves, handed over to the Lieutenant-Governor of the Bahamas, on the 9th day of October, 1837, or the survivors of them, on this day, be emancipated from slavery.

We have, &c.
(Signed) H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 29.

Her Majesty's Commissioners to Viscount Palmerston.—(Received April 1, 1839.)

My Lord, *Sierra Leone, December* 31*st*, 1838.

We have the honour to inform your Lordship, that we have only this day received by Her Majesty's brig "Saracen," your Lordship's Despatch, dated on the 30th of April, 1838, transmitting the copy of an Instruction, which was addressed by your Lordship to Her Majesty's Commissioners at Rio de Janeiro, pointing out what vessels are deemed to be Portuguese, under the Portuguese Decree of the 16th of January, 1837.

The delay which has occurred in our receiving this Despatch is of less consequence, as we had already seen it in print at page 33 of Class A., (Further Series), 1837.

We have, &c.
(Signed) H. W. MACAULAY.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 30.

Her Majesty's Commissioners to Viscount Palmerston.—(Received April 22, 1839.)

My Lord, *Sierra Leone, March 4th,* 1839.

We have had the honour to receive your Lordship's Despatch, dated the 13th of December, 1838, in which your Lordship was good enough to forward the copy of a Despatch, written by Her Majesty's Chargé d'Affaires at Rio, covering a Return of Portuguese Slave Vessels, which had entered that port during the month of August last; and a Return of Vessels, which had

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arrived at Bahia from the African Coast, and which had cleared out for Africa from the same port during the months of June and July last.

We have, &c.

(Signed) H. W. MACAULAY.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 31.

Her Majesty's Commissioners to Mr. Backhouse.—(*Received April* 25, 1839.)

SIR, *Sierra Leone, December* 31, 1838.

IN pursuance of the 75th Clause of an Act, passed in the 5th year of the reign of His Majesty George IV., entitled, "An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade," we have the honour to transmit enclosed a Return of all Vessels, adjudicated in the British and Portuguese Court of Mixed Commission established here, in the period from the 1st July, 1838, to this date.

We have, &c.

(Signed) H. W. MACAULAY.
R. DOHERTY.

John Backhouse, Esq.
&c. &c. &c,

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Enclosure in No. 31.

Return of Portuguese Vessels adjudicated by the British and Portuguese Court of Mixed Commission, established at Sierra Leone, between the 30th day of June and the 31st day of December, 1838.

Name of Vessel.	Name of Master.	Date of Seizure.	Where Captured. Latitude.	Where Captured. Longitude.	Property Seized.	Seizor.	Date of Sentence.	Number of Slaves Captured.	Number died before Adjudication.	Total Number Emancipated.	Decretal part of Sentence, whether Forfeiture or Restitution.	Whether Property condemned has been Sold or Converted, and whether any part remains Unsold, and in whose hands the Proceeds remain.
Prova	Francisco Joze Dias	1838 3 June	Three Miles off Old Calabar.		Schooner and 225 slaves.	Wm. Langford Castle, Esq. H.B.M. sloop "Pylades."	1838 2 July	225	31	194*a*	Condemned for being engaged in the illicit traffic in slaves.	Vessels and stores sold by public auction, and the proceeds paid into the military chest.
Diligente . .	Joao B. Simoni	24 April	24° 20′ N.	85° 55′ W.	Brig and 480 slaves.	Lord Clarence E. Paget, H.B.M. sloop "Pearl."	4 Aug.	480	5	475*b*	Ditto	The brig and stores left at Bermuda under the charge of the Storekeeper of Her Majesty's Dock-yard, and commission issued for the sale thereof.
Camoens . .	Feliz Cosme Madail	30 April	24° 4′ N.	80° 8′ W.	Brig and 572 slaves.	Thomas Frazer, Esq. H.B.M. sloop "Sappho."	4 Aug.	572	3	569*c*	Ditto	Vessel and stores sold by public auction, and the proceeds paid into the military chest.
Paquete Feliz	Manoel de Brito Lima	13 July	4° 15′ N.	7° 20′ E.	Brigantine and 195 slaves.	W. B. Oliver, Esq. H.B.M. schooner "Fair Rosamond."	8 Aug.	195	8	187	Ditto	Ditto Ditto
Feliz	Miguel Avalha	5 Feb. 1837	17° 47′ N.	76° 31′ W.	Schooner and 326 slaves.	Sir John S. Peyton, Kt. H.B.M. ship "Madagascar."	13 Aug.	326	2	324*d*	Ditto	This vessel was wrecked to the northward of Senegal on her passage hither.
Ingemane . .	Ant. J. de Faria	12 Sept.	20° 9′ 58″ N.	82° 59′ 30″ W.	Schooner and 82 slaves.	The Hon. P. Percy, H.B.M. sloop "Comus."	10 Nov.	82	3	79*e*	Ditto	The schooner and stores left at Nassau, New Providence, in charge of the Comptroller of the Customs, and commission issued for the sale thereof
Prova	Lourenço Viadonnonte	1838 9 Oct.	2° 15′ N.	7° 36′ E.	Schooner and 326 slaves.	Woodford J. Williams, Esq. H.B.M. brig "Termagant."	24 Nov.	326	21	295*f*	Ditto	Vessel and stores sold by public auction, and the proceeds paid into the military chest.
Dolcinea. . .	Joze da Luz Carvalho	31 Oct.	4° 16′ N.	3° 44′ E.	Schooner and 253 slaves.	Brunswick Popham, Esq. H.B.M. sloop "Pelican."	3 Dec.	253	4	249	Ditto	Ditto Ditto
Liberal . . .	Francisco Gonsalvez	1 Nov.	6° 8′ N.	1° 50′ W.	Brig and 591 slaves.	Henry Broadhead, Esq. H.B.M. brig "Lynx."	7 Dec.	591	8	583	Ditto	Ditto Ditto
Emprendedor	Francisco Viega	27 Nov.	7° 4′ N.	12° 17′ W.	Brig and 467 slaves.	C. Fitzgerald, Esq. H.B.M. brigantine "Buzzard."	11 Dec.	467	11	458*g*	Ditto	The brig and stores in charge of the Commissioner of Appraisement and Sale, the same being ordered to be sold at public auction, and the proceeds paid into the Registry twenty-one days from the date of the condemnation.

a One boy died after emancipation, but previous to his description having been taken to be registered.
b The slaves of the "*Diligente*" were landed at Nassau, New Providence.
c The slaves of the "*Camoens*" were landed at Do. Do.
d The slaves of the "*Felix*" were landed at Kingston, in the Island of Jamaica.
e The slaves of the "*Ingemane*" were landed at Nassau, New Providence.
f One man died, and one girl absconded after emancipation, but before their descriptions were taken to be registered.
g Two infant slaves were born on board after capture, and prior to the arrival of the vessel at this port

Sierra Leone, 31*st December*, 1838.

(Signed) J. MILLER,
Acting Register.

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No. 32.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, May 28th*, 1839.

I HEREWITH transmit to you, for your information and guidance, a copy of a dispatch from Her Majesty's Consul at Lisbon, enclosing the translation of an instruction which has been addressed by the Portuguese Government to the Directors of the several Custom-houses of the kingdom, warning them against some foreign vessels suspected of being about to assume the Portuguese flag, for the purpose of engaging in the Slave Trade.

I am, &c.

(Signed) PALMERSTON.

Her Majesty's Commissioners, Sierra Leone.

Enclosure in No. 32.

Mr. Smith to Viscount Palmerston, Lisbon, April 22, 1839.

(See Class B., No. 65, page 111.)

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SIERRA LEONE. (*Brazil.*)

No. 33.

Her Majesty's Commissioners to Viscount Palmerston.—(Received April 22d.)

My Lord, *Sierra Leone, February 15th* 1839.

We had the honour to receive, yesterday, your Lordship's Despatch of the 15th of December 1838, transmitting copies of various letters and Despatches, respecting the slave-vessel "*Flor de Loanda*," together with copies of Despatches addressed by your Lordship to Her Majesty's Commissioners at Rio, and to the Portuguese Chargé d'Affaires in England, on the same subject.

We have, &c.

(Signed) H. W. MACAULAY.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 34.

Her Majesty's Commissioners to Viscount Palmerston.—(Received April 22d.)

My Lord, *Sierra Leone, February 15th,* 1839.

We have the honour to acknowledge your Lordship's Despatch of the 17th of December, 1838, on the subject of the slave vessel "*Flor de Loanda*;" and we shall be careful to observe your Lordship's directions, with respect to such individuals of the detained crew as may be brought to Sierra Leone, by giving every facility in our power to the conveyance of those people for trial before a Portuguese tribunal.

We have, &c.

(Signed) H. W. MACAULAY.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 35.

Her Majesty's Commissioners to Viscount Palmerston.—(Received May 20.)

My Lord, *Sierra Leone, January 5,* 1839.

We have had the honour to receive your Lordship's dispatch, dated the 7th of November, 1838, forwarding to us a copy of the answer which was returned by Her Majesty's Consul at Bahia to your Lordship's inquiry, respecting the practice of supplying manifests of cargo to vessels clearing out from that port.

We beg leave to thank your Lordship for this communication.

We have, &c.

(Signed) H. W. MACAULAY.
A. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

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HAVANA.

No. 36.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received February* 8, 1839.)

My Lord, *Havana, December 20th*, 1838.

We have the honour to enclose your Lordship copies of official communications, received by the Mixed Court of Justice at this place from the Minister of Her Catholic Majesty at Madrid, and from the Captain General of this island, relative, 1st, to the charge preferred against Lieutenant Cruz, of the Spanish royal navy, for not having brought the slave schooner "*Matilde*" before the court; and 2ndly, to the complaint of the Commandant-General of Marine against the Mixed Court, for refusing to communicate with him except through the Captain General.

From these your Lordship will perceive, that the Government of Her Catholic Majesty have directed Lieutenant Cruz to receive a serious reprimand, for not having brought the "*Matilde*" before the Mixed Court, after detaining her upon a suspicion of being engaged in the Slave Trade, with a warning that he is not at present dismissed from the service, on the consideration of some extenuation in the fact, that at the time he sent the "*Matilde*" to Santiago de Cuba she was in a leaky state.

With regard to the difference between the Mixed Court and the Commandant-General of Marine, as to the claim made by the latter to be addressed by us directly, instead of through the Captain-General of the island, your Lordship will also perceive, that the government of Her Catholic Majesty have adopted the views of the court, and have directed that, as the Mixed British and Spanish Court of Justice is not one of the tribunals of the country, and as the affairs of which it takes cognizance are affairs of state, the authorities of Havana be acquainted, that in all affairs they may have with the said court, they shall in future address themselves to it through the Captain-General as the first authority of the island, through whom also they shall receive, as heretofore, the communications from the court.

We have great satisfaction in detailing these instructions from the government of Her Catholic Majesty, not only as acknowledging the peculiar jurisdiction and privileges of the court, and so setting at rest all doubts upon the subject, but also as further, in the case of Lieutenant Cruz, proving their readiness fully to maintain its authority.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 36.

Proceedings adopted in consequence of the Royal Order, directing that the Mixed Court of Justice, as a Commision of State, make its communications through the Captain-General, as the first authority of the Island, and that none of the tribunals of the country address themselves to it, except by means of the aforesaid authority.

Principal Secretary of State's Office, Madrid, 29th August, 1838.

Under this day's date I write to the Secretary of the Marine Department as follows:—

Most Excellent Sir,

I have acquainted the Queen Regent with your Excellency's communication of the 26th February last, and the documents you were pleased to

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forward therewith, relative to the complaint of Her Britannic Majesty's Minister against the conduct of Lieutenant Don José de la Cruz, Commander of the Spanish cutter of war (Pailebot de guerra) "*Teresita*," in not having conveyed before the Mixed Court of Justice at Havana the schooner "*Matilde*," detained by him in the entrance to the port of Guantanamo, on suspicion of being engaged in the Slave Trade. From the declarations taken in the Marine Court of the Cuba station, from those made by the crew of Her Britannic Majesty's ship "Vestal" before the Mixed Court of Justice at Havana, from the communications made by the Captain of the said ship, Mr. Jones, and from the despatch of Lieutenant Cruz to the commandant of the station, it is distinctly proved, that the principal and express motive for the detention of the said schooner "*Matilde*" was the suspicion that she might be employed in the Slave Trade. Moreover, the circumstance of the examination being made by order of the said Cruz was the cause of the officers of the British royal navy, who boarded the schooner for the same purpose of examining her, retiring satisfied with the promise made them by Cruz, that he would forward her for adjudication to the competent tribunal. Lieutenant Cruz, in this case, ought not to have been ignorant of the duty imposed on him by the 1st article of annex A to the Treaty of the 28th of June, 1835, between Spain and Great Britain, for the abolition of the trade in slaves, or rather the instructions to vessels commissioned to impede the said trade; and that, in having forwarded the detained vessel to Santiago de Cuba, without having reported to the Mixed Court at Havana, in order that it might deliberate upon the detention, he incurred the penalties set forth in article 9 of the said Treaty. In consideration of these circumstances Her Majesty has been pleased to direct, that the superior officers of Don José de la Cruz be ordered by your Excellency to give that officer a serious reprimand, and warn him that he is not at present dismissed from his employment, in consideration that there may be some extenuation in the fact, that at the time he sent the "*Matilde*" to Santiago de Cuba she was in a leaky state.

In regard to what occurred subsequently, on the question of the competency of jurisdiction raised between the Mixed Court of Justice and the Commandant-General of the Havana station, who was led into error by his assessor, Her Majesty's attention has been particularly directed to the complaint made by the said Commandant-General, that the Mixed Court of Justice had not directly communicated with him relative to this affair; and Her Majesty has been pleased to direct that in future, in all matters that may occur between the authorities of Havana and the said Court, the former shall address themselves through the Captain-General of the Island, and also receive their communications from the Mixed Court through His Excellency, as the Mixed Court, not being one of the Courts of the country, and the cases which come under its cognizance being of a political and judicial nature, it has to communicate with the first authority of the Island, in all matters touching the subjects of Her Majesty, and relating to the execution of the Treaty; in the same manner as it is incumbent on the Captain-General to communicate to this department of the State everything relating to this class of business, whenever it is fitting that Her Majesty should be informed thereof, whether for the strict fulfilment of the compact, or for procuring precise information whereupon to ground a resolution, in every case in which it may be necessary to make claims upon the Government of Her Britannic Majesty.

And I transcribe the above for your Excellency by royal order, for your Excellency's information, and in order that you may keep the Captain-General informed of the proceedings of the Court over which you preside, and also that His Excellency may comply with what Her Majesty directs by this Her royal order.

God preserve your Excellency many years.
(Signed) EL CONDE DE OFALIA.

The Señor Conde de Fernandina,
President of the Mixed Court of Justice.

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Second Enclosure in No. 36.

The Conde de Fernandina to the Captain General.

MOST EXCELLENT SIR, *Havana, December 7th,* 1838.

UNDER date of 29th August last, His Excellency, the Principal Secretary of State, writes me as follows:—

(Here follows the preceding Royal Order.)

And I transcribe the above to your Excellency, that you may be assured of my disposition to comply with the said sovereign resolution.

God preserve your Excellency many years.

(Signed) EL CONDE DE FERNANDINA.

To His Excellency Don Joaquin de Ezpeleta,
&c. &c. &c.

Third Enclosure in No. 36.

The Captain-General to the Mixed Court of Justice.

Havana, November 23rd, 1838.

MOST EXCELLENT SIR AND GENTLEMEN,

IN a Royal Order of the 4th of September last, His Excellency the Secretary of State, and of the Department of Grace and Justice, acquaints me as follows:—

"Most Excellent Sir,—The Minister of State informs the Minister of Grace and Justice, in his communication of the 28th of August last, as follows:—Most Excellent Sir,—The Commandant-General of Marine of the Havana station has represented, that the Mixed Court of Justice refused to acknowledge his authority, in affairs which occurred between the said Court and the Tribunal of the said 'Comandancia General;' and the Queen Regent, taking into consideration that the Mixed Spanish and British Court of Justice is not one of the courts of the country, and that the affairs of which it takes cognizance are affairs of state, has been pleased to direct, in order to prevent doubts which might occasion delay in that class of affairs, to the prejudice of Her Majesty's service, that the authorities of Havana be acquainted that, in all affairs they may happen to have with the said Court, they shall in future address themselves to it through the Captain-General, as the first authority of the island; through whom they shall likewise receive, as heretofore, the communications from that Court. Which arrangement is, moreover, very convenient, in order that this Department may receive with due punctuality, from the Captain-General, the necessary information for ascertaining in what manner the Treaty of the 28th of June, 1835, for the abolition of the Slave Trade, is complied with, and that it may be able to reply opportunely to whatever representations may be made by Her Britannic Majesty's Government."

By Royal Order I transcribe the above for your Excellency's information, for that of the Mixed Court, and any other purposes you may require.

And I transcribe it to your Excellency, and the other Members of the Mixed Court, for your information.

God preserve you many years.

(Signed) JOAQUIN DE EZPELETA.

To their Excellencies the Conde de Fernandina,
and the other Gentlemen of the
Mixed Court of Justice.

Fourth Enclosure in No. 36.

The Judges of the Mixed Court to the Captain-General.

MOST EXCELLENT SIR, *Havana, December 7th,* 1838.

We have received your Excellency's official letter of the 23rd November last, in which you are pleased to transcribe the Royal Order, prescribing the forms to be observed by the tribunals of this country in addressing this Court, and also by this Court in addressing them, and we beg to assure your

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Excellency, that we shall give exact compliance thereto, as we have hitherto done, since we have always made our communications through your Excellency, as the first authority of the island, our affairs relating to matters of state and jurisdiction. Which we beg to state to your Excellency, in reply to your before-mentioned official letter.

God preserve your Excellency many years.

(Signed) EL CONDE DE FERNANDINA.
J. KENNEDY.

Don Joaquin de Ezpeleta.

No. 37.

Her Majesty's Commissioners to Viscount Palmerston.—(Received February 8, 1839.)

MY LORD, *Havana, December, 24, 1838.*

IN obedience to the instructions given us in your Lordship's Despatch of the 29th September last, informing us of the conditions upon which the Government of Her Catholic Majesty had consented to the occasional landing of detachments of the Black Marines of the "Romney," and desiring us to put ourselves in communication with the Captain-General of this Island, that the necessary arrangements might be made for that purpose, with as little delay as possible, we addressed a letter to his Excellency, informing him of our Instructions, and stating our readiness to receive his directions. To this letter, of which we enclose your Lordship a copy, we have received his Excellency's reply, also enclosed, stating that the Royal Order on the subject has not been communicated to him. As soon, however, as this shall be the case, his Excellency promises to give it due fulfilment.

We have, &c,

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

To the Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 37.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR, *Havana, December 17th, 1838.*

HAVING received a communication from Her Britannic Majesty's Principal Secretary of State, informing us that the Government of Her Catholic Majesty had been pleased to direct permission to be granted to the black soldiers, serving on board the hulk "Romney," to come on shore under certain precautions, we have now the honour to request your Excellency will favour us with a detail of the regulations which, agreeably to those directions, your Excellency will think it advisable to adopt.

The precautions proposed, namely, "1st. The designation of a place where the black soldiers can enjoy themselves without going beyond it; 2dly. That only six at a time shall land, and accompanied by an English or Spanish officer, who would look after them; and 3dly. That for this, periods should be fixed, not very proximate, and days and hours be previously determined on," we are prepared with due respect to accept, in the full assurance that your Excellency will carry those directions into effect, in the same liberal spirit in which they have been proposed. On the other hand, we beg to assure your Excellency, that every care will be taken on our part to prevent as much as possible any such contact between the soldiers of Her Britannic Majesty and the slaves of the island, as might lead to dangerous consequences. We, however, are fully convinced, that any apprehension of dangerous consequences arising will prove unfounded.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

To His Excellency the Captain-General,
&c. &c. &c.

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Second Enclosure in No. 37.

(Translation.)—*The Captain-General to Her Majesty's Commissioners.*

GENTLEMEN, *Havana, December 20th*, 1838.

I HAVE before me your official Note of the 17th instant, in which you are pleased to acquaint me, that you have received a communication from Her Britannic Majesty's Principal Secretary of State, informing you, that Her Majesty the Queen Regent had been pleased to grant permission to land, to the black soldiers serving on board the hulk "Romney," under the conditions you specify.

The Royal Order in question has not been communicated to me, but I hope to receive it by the next Packet, as you have had information of it already. As soon as this shall be the case, it shall, on my part, be duly fulfilled, subject as I am at all times to the directions my Sovereign may deign to impose on me in regard to the subject.

Which I have the honour to state to you in reply, and beg to offer the assurance of my personal consideration.

God preserve you many years.

(Signed) JOAQUIN DE EZPELETA.

To Her Britannic Majesty's Commissioners in the Mixed Court of Justice.

No. 38.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received February* 8, 1839.)

MY LORD, *Havana, December 24th*, 1838.

THE list we have received of vessels arrived in this harbour during the last month, suspected of being engaged in the Slave Trade, enumerates only the two following, viz.:—

5th Nov.	Portuguese schooner "*Maria Segunda*," after having landed, as it is said, on the adjacent coast	216 slaves.
13th	Portuguese schooner "*Chiva*," after having landed, as it is said, on the adjacent coast	140 slaves.

Another vessel, however, has been named in the diario of the 15th November, the Portuguese schooner "*Cerca*," as having arrived here on the 14th from Matanzas, where she had brought, it is said, in the early part of the month, not only a cargo of negroes, but also the crews of two vessels, seized by the British cruizers on the coast of Africa, for informality in their papers, as stated in our Despatch to your Lordship, of the 23d November last.

With these we may add, that Her Majesty's sloop "Wanderer," on the 26th November, fell in, on the coast, with a Portuguese brig (bearing at the time the American flag) which they took upon discovering to be a Slaver, and found her to have on board 250 slaves, since landed at Nassau. The crew stated her to be named the "*Escorpion*," and to have come from Cadiz, but we understand she was the property of the notorious slave-dealer of this place, Mr. Forçade.

Of the vessels despatched from the port of Havana in the month of November, suspected of being engaged in the Slave Trade, we have received the following list:—

7th November,	Portuguese	schooner	"Lavandeira,"	for Isla del Principe.
,,	American	,,	"Clara,"	,, San Tomé.
20th ,,	Portuguese	,,	"Emprendedor,"	,, Gallinas.
,,	,,	,,	"Maria Teresa,"	,, Lagos.

Besides these, we have received information of the American schooner "*Liberty*," Captain Russell, having cleared out for Rio Pongos on the 30th November, though she may perhaps be more justly included among the departures for the current month. But we ought not to omit including another American schooner, the "*Gago*," Captain Dupuy, which after clearing out hence for Matanzas, sailed from that place on the 13th November for San Tomé, as stated in the Custom House returns of that port "in ballast," consequently not with stores, as in other cases has been asserted to have been lawfully done.

In the case of another flagrant abuse of the American flag, we have great satisfaction in informing your Lordship, that steps have been taken which will have

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the effect, in a great measure, of defeating the object of the parties, even if nothing further be the result. In the beginning of this month, an American of the name of Howell having taken a Spanish vessel over to Key West, made there an affidavit before a Notary Public that he had purchased the vessel, that it was entirely his property, and that he was an American citizen. With this affidavit, in which the vessel was named the brig "*Thomas, of Havana,*" instead of a ship's register, according to usual form, he came before the American Consul at this place, who, being dissatisfied with the informality in the papers, and learning that the crew of 18 men was composed entirely of Spaniards, and that the destination of the vessel was for the coast of Africa, concerted with the Commander (M'Kenney) of the United States sloop of war "Ontario," and delivered her up to the Captain General of the island. His Excellency in return has, we understand, agreed to keep the brig "in detention," until instructions be received from the Government of the United States, as to what further measures should be adopted.

We have great pleasure in adding, that the "Ontario" has been ordered to remain for some time in this port, for the special purpose of putting down, where practicable, all similar abuses of the American flag; and that we learn two other sloops of war have been ordered, with the same object in view, to the coast of Africa. These measures have no doubt been adopted in consequence of your Lordship's representations.

We have, &c.
(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

To the Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 39.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, February* 8, 1839.

I TRANSMITTED to Her Majesty's Envoy at Copenhagen, a copy of your Despatch of the 1st of March 1838, stating that the Spanish schooner "*Con la boca*" was reported to have landed recently a cargo of slaves at the Danish Island of St. Thomas; and I instructed Her Majesty's Envoy to request from the Danish Government, that they would inquire into the facts of the case.

I now transmit to you a copy of the reply, which I have received from Her Majesty's Minister at Copenhagen, containing the result of the investigation instituted by the Danish Government into the truth of the report which was contained in your Despatch.

I am, &c.
(Signed) PALMERSTON.

To Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 39.

Sir H. W. Wynn to Viscount Palmerston.

Copenhagen, January 11, 1839.

(See Class C. No. 13, p. 7.)

No. 40.

Her Majesty's Commissioners to Viscount Palmerston.—(Received February 16, 1839.)

MY LORD, *Havana, January 1st,* 1839.

WE have the honour to state to your Lordship, in obedience to the Act 5 Geo. IV., c. 113, requiring returns to be made on the 1st day of January and the

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1st day of July of every year, from the several Courts of Mixed Commission, under Slave Trade Treaties, of cases of vessels brought for adjudication before them, that no vessel has been brought before the Mixed Court at this place during the six-months last past.

We have, &c.
(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

To the Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 41.

Her Majesty's Commissioners to Viscount Palmerston.—(Received February 16, 1839.)

My Lord, *Havana, January 1st,* 1839.

We have the honour to inclose, agreeably to usual practice, a list of such vessels as have arrived in this harbour, during the last year, from the coast of Africa, and also one of those despatched hence, during the same period, for that destination, together with the list reported in our Despatch of January 1st, 1838, of vessels that cleared out in the year 1837, suspected for the Slave Trade.

While we feel gratified to think that these lists, on account of the source from which they are obtained, are much more complete than any furnished in preceding years, we regret to add, that they still remain less complete than might be desired, from the parties being more upon their guard to baffle our inquiries. Still it is apparent from them, that no increase of the traffic has taken place during the past year, the number of vessels despatched being precisely the same, namely 71, as in the preceding year, deducting from the list, Enclosure No. 3, the Austrian brig "*Trasibolo*," (No, 52 in the list,) which so far from being engaged in the illicit traffic, carried hence a number of free negroes to the colony of Liberia. Whatever increase has taken place has been from vessels being despatched more from the other ports of the island, though in this, as in many other particulars, little reliance can be placed on the reports that reach us. But there is great reason to believe that this plan has been for some time increasing. Eight vessels were condemned as Spanish at Sierra Leone in the year 1837, and two at this place, of which it appears from the printed accounts that

2 belonged to Puerto Rico,
2 ,, to Santiago de Cuba,
1 ,, to Matanzas,
1 ,, to Trinidad de Cuba, and that
4 only were connected with Havana.

Of 18 vessels condemned at Sierra Leone under the Portuguese flag in the same year, 9 only appear to us to have belonged to this port. Of 8 Portuguese condemned in the first six months of the present year at Sierra Leone, we can, from the names and particulars communicated to us, trace only 2. Thus, then, it appears, that an increasing trade is carried on from other places, which is further corroborated by the well-ascertained fact, that an astonishing number of new estates have been opened throughout the island within the last two years. In the district of Cienfuegos, of 40 estates now working there, 27 have been of recent formation, and though this may be above the average, we believe it does not much exceed the proportion of many other districts in course of cultivation. We regret to think, that of these estates many have been commenced by American and some even by British subjects, who will thus, of course, give considerable impetus to the Slave Trade by means of their capital, industry, and skill. Nor have the efforts of the Planters (relying on the falling off of exports from the British West Indies, consequent on the measure of emancipation,) been unrewarded with success. In the three years preceding the last, the exportations from this place and Matanzas of boxes of sugar, were in

1835	491,570
1836	500,153
1837	506,952

while in the last season the number amnunted to 610,512, and in the present it is

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calculated a like quantity will have been raised, and but for a severe drought in the autumn, would have reached 50,000 more.

With regard to the vessels engaged in the Slave Trade, your Lordship will perceive that in the year 1837 there appear to have been,

Portuguese	40
Spanish	19
American	11
Swedish	1
Total	71

And in the past year the numbers are

Portuguese	42
American	19
Spanish	8
French	1
Brazilian	1
Total	71

so that while your Lordship's efforts have been successful in inducing the Spanish Government to deter their subjects from adventuring under their flag in this traffic, and may be equally successful with the Portuguese, it appears that the American flag will be at the command of whoever chooses to embark in such inhuman speculations.

We have only further to add, and it is with great regret that, on account of the new plantations, the demand for negroes in the market is as high as ever, and the price therefore remains proportionally high also; consequently the inducement to prosecute the trade will continue the same, so long as those inclined to engage in it may find protection from the Governments, which refuse the only co-operation that would be effective to control them.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

To the Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

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First Enclosure in No. 41.

List of Vessels that have arrived in the Port of Havana from the Coast of Africa, during the Year 1838.

No.	Date.	Nation.	Class.	Name of Vessel.	Master.	Remarks.
1	Jan. 17	Portuguese	Schooner	Unknown		
2	,, 19	,,	,,	Josefina	Nieves.	
3	,, 21	,,	,,	Maria Segunda . .	Albuquerque.	
4	,, 26	,,	Brigantine	Felicidade . . .	Verriel.	
5	Feb. 25	Spanish	Schooner	Con-la-boca . . .	Ferreira.	
6	March 3	Brazilian	Brig	Feliz Constancia .	Sacramento . . .	Consigned to Mazorra.
7	,, 5	Portuguese	,,	Tres Febrdiro . .	Guillermin.	Ditto.
8	,, 10	,,	,,	Victoria	Ferreira.	
9	,, 14	,,	Ship	Amalia	Flores	From Madagascar, consigned to Forçade.
10	,, 16	,,	Schooner	Dulcinea	Reyes.	
11	April 1	,,	Brig	Matilde	Ferreira.	
12	,, 19	,,	Schooner	Don Amigos. . .	Careira	Consigned to Mazorra.
13	,, 19	,,	Brig	Serafina		
14	,, 21	,,	Schooner	Feliz Triumvirate .	Larazabal.	
15	,, 26	Russian	Brig	Gollupk	Barnadas.	
16	May 3	Portuguese	Schooner	Segunda Union . .	Canosa.	
17	,, 6	,,	,,	Buen Viage . . .	Proenza.	
18	,, 6	,,	,,	Constancia . . .	Plat.	
19	,, 23	,,	,,	Veloz.	Roberdeo.	
20	June 8	,,	Brig	Josepha	Duarte	From San Tomé.
21	,, 15	,,	Schooner	Ligera	Losa Barti . . .	,, Isla del Principe.
22	,, 24	,,	Brig	Fortuna	Barbosa	,, San Tomé.
23	,, 24	,,	,,	Ligero	Miguel Antonio . .	,, Rio Pongo.
24	,, 30	,,	Pailebot	Eliza	Galindo	,, Puerto Praya.
25	,, 30	Spanish	Brig	Esplorador . . .	Gorranda . . .	,, Madagascar.
26	July 7	Portuguese	Schooner	Tirsa	Espencer	,, Cape de Verds.
27	,, 8	Spanish	Brig	Irene	Ageo	,, Madagascar.
28	,, 19	Portuguese	,,	Unknown		
29	Aug. 9	,,	Schooner	Victoria	Proenza.	
30	,, 12	,,	Brig	Triumfo de Loanda.	Bandura.	
31	,, 13	,,	Ship	Maria Segunda . .	Pegada.	
32	,, 13	,,	Brig	Unknown . . .		
33	,, 28	,,	,,	General Espartero	Barreiro.	
34	Sept. 14	,,	,,	Vigilante. . . .	Sonza.	Landed 500 slaves.
35	,, 16	,,	,,	Gabriel	Girand	,, 340 ,,
36	,, 16	,,	Schooner	Ala	. . . . .	,, 200 ,,
37	,, 18	Spanish	,,	Salomè	Fox	,, 203 ,,
38	,, 19	Portuguese	,,	Lavandeira . . .	San Martin.	
39	,, 23	,,	Brig	Palmella		
40	,, 25	,,	Schooner	Montana	Griana	,, 213 ,,
41	Oct. 4	,,	Brig	Maria Teresa . .	Sampayo . . .	,, 360 ,,
42	,, 4	,,	Schooner	Constancia . . .	Rodriguez . . .	,, 213 ,,
43	,, 5	,,	,,	Sin Igual . . .	Pereira	,, 240 ,,
44	,, 6	,,	Brig	Escorpion . . .	Carlo	Formerly the "Tres Manuelas," landed 269 slaves.
45	,, 7	,,	Schooner	Nostra Senora del Buen Viage . .	Vellar	Formerly the "Volador," Landed 213 slaves.
46	,, 9	,,	,,	Amalia	Aloes	,, 200 ,,
47	Nov. 5	,,	,,	Maria Segunda . .	. . . . .	,, 216 ,,
48	,, 13	,,	,,	Chiva	. . . . .	,, 140 ,,
49	,, 13	,,	,,	Serca		
50	Dec. 9	,,	Brigantine	Trueno	. . . . .	,, 528 ,,

Portuguese . . .	44
Spanish . . .	4
Russian . . .	1
Brazilian . . .	1
	50

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Second Enclosure in No. 41.

List of Vessels which have Sailed from the port of Havana for the Coast of Africa, during the Year 1838.

No.	Date.	Nation.	Class.	Name of Vessel.	Destination.	Remarks.
1	Jan. 18	Spanish	Schooner	Negrita	Isla del Principe.	
2	,, 19	American	,,	Gabriel	,,	Returned.
3	,, 20	Spanish	,,	Ceres	Cape de Verds.	
4	Feb. 1	Portuguese	,,	Olympia	San Tomé.	
5	,, 15	Spanish	,,	Pronta	Cape de Verds.	
6	,, 20	,,	,,	Josefina	San Tomé.	
7	,, 22	American	Brig	Alexander	,,	
8	,, 27	,,	,,	Dido	,,	
9	March 17	French	,,	Havre	San Pablo de Loanda.	
10	,, 24	Portuguese	,,	Constitucion	San Tomé.	
11	,, 27	Spanish	,,	Carmen	,,	
12	April 4	Brazilian	,,	Feliz Constancia	Lagos.	
13	,, 5	Portuguese	Brigantine	Felicidad	,,	
14	,, 18	,,	Schooner	Vigilante	San Tomé.	
15	,, 24	,,	Brig	Maria Teresa	Lagos	Returned.
16	,, 26	Spanish	Schooner	Victoria	San Tomé.	
17	May 2	,,	,,	Ramoncito	,,	
18	,, 5	Portuguese	,,	Prova	,,	
19	,, 7	American	,,	Mary Hooper	Cape de Verds.	
20	,, 8	Portuguese	,,	Maria Segunda	San Pablo de Loando.	
21	,, 9	American	Brig	Eagle	San Tomé.	
22	,, 15	Portuguese	Schooner	Triunfante	,,	
23	,, 23	,,	,,	Circe	Santiago de Praya.	
24	,, 26	,,	,,	Maria	San Tomé.	
25	,, 26	,,	,,	Dulcinea	Lagos.	
26	June 2	,,	Brig	Nostra Señora del Buen Viage	Cape de Verds	Returned
27	,, 7	,,	Schooner	Constitucion	Santiago de Praya.	
28	,, 8	,,	,,	Segunda Union	Isla del Principe.	
29	,, 9	,,	,,	Constitucion	Loando.	
30	,, 16	,,	Ship	Amalia	Madagascar	Returned.
31	,, 16	American	Schooner	Fame	San Pablo de Loanda.	
32	,, 16	Portuguese	,,	Veloz	San Tomé.	
33	,, 21	,,	Brig	Matilde	,,	
34	,, 26	Spanish	,,	Esperanza	Isla del Principe.	
35	,, 30	Portuguese	,,	Victoria	San Tomé.	
36	July 5	,,	,,	Dos Amigos	Lagos.	
37	,, 10	,,	Schooner	Ligera	Isla del Principe.	
38	,, 12	,,	,,	Josefita	San Tomé.	
39	,, 13	,,	,,	Eliza	Isla del Principe.	
40	,, 17	,,	,,	Elisa	Santiago de Praya.	
41	,, 18	American	,,	Traveller	Isla del Principe.	
42	,, 23	,,	,,	John Holland	San Tomé.	
43	Aug. 6	Portuguese	Brig	Matilde	Cabo Lopez.	
44	,, 7	,,	Schooner	Sirce	Cabo Verde.	
45	,, 13	,,	,,	Victoria	San Tomé.	
46	,, 14	,,	Brig	Maesimo	Isla Oriental.	
47	,, 18	,,	Ship	Maria Segunda		
48	,, 18	American	Schooner	Dolphin	San Tomé.	
49	,, 22	,,	Brig	Plant	Cabo Verde.	
50	,, 23	,,	Ship	Venus	Bahia de todos los Santos.	
51	,, 27	,,	Schooner	Shark	Cabo Verde.	
52	,, 29	,,	Brig	Mary Jane	,,	
53	Sept. 18	,,	,,	Comet	,,	
54	,, 24	Portuguese	,,	Veterano	San Tomé.	
55	,, 29	,,	,,	Triunfo	Loanda.	
56	,, 29	,,	Schooner	Victoria	Rio Pongo.	
57	Oct. 9	American	,,	Florida	Cape de Verds.	
58	,, 11	,,	,,	Hazard	San Tomé.	
59	,, 13	Portuguese	Brig	Vigilante	S. Pablo de Loanda.	
60	,, 23	,,	Schooner	Sin Igual	San Tomé.	
61	,, 27	,,	,,	Amalia	Bonny.	
62	Nov. 7	,,	,,	Lavandera	Isla del Principe.	
63	,, 7	American	,,	Clara	San Tomé.	
64	,, 20	Portuguese	,,	Emprendedora	Gallinas.	
65	,, 20	,,	Brig	Maria Teresa	Lagos.	
66	Dec. 3	American	Schooner	Liberty	Rio Pongo.	
67	,, 7	Portuguese	,,	Cerca	Cape de Verds.	
68	,, 21	,,	,,	Reyna de los Angeles	San Tomé.	
69	,, 21	,,	,,	Maria Segunda	S. Pablo de Loanda.	
70	,, 22	,,	,,	Constanta	San Tomé.	
71	,, 24	American	,,	William Savin	Bahia de todos los Santos.	

Portuguese	42
American	19
Spanish	8
French	1
Brazilian	1
	71

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Third Enclosure in No. 41.

List of Vessels which sailed from the Port of Havana for the Coast of Africa, during the Year 1837.

No.	Date.	Nation.	Class.	Vessel.	Master.	Remarks.
1	Jan. 13	Spanish	Schooner	Dolorita		
2	,, 14	Portuguese	,,	Constituciao		Detained by H.M.S. "Racer."
3	Feb. 1	,,	,,	Dido		Returned 19th September.
4	,, 3	,,	,,	Tres Manuela (*a*), Sin Igual		,, See No. 68.
5	,, 4	,,	,,	Maria Segunda		,,
6	,, 5	Spanish	Brig	Isabel		
7	,, 8	Portuguese	Schooner	Triunfo		,, 14th June.
8	,, 14	Spanish	,,	Constitucion		,, under Portuguese colours 15th December.
9	,, 20	,,	,,	Lince		
10	,, 22	American	,,	Bee		Sailed for Cape de Verds, under suspicious circumstances.
11	March 1	Spanish	Brig	General Ricafort		Condemned at Sierra Leone.
12	,, 7	American	,,	Two Friends		
13	,, ,,	Portuguese	Schooner	Tratado		
14	,, ,,	,,	,,	Olimpia		Returned 16th November.
15	,, 20	Spanish	Brig	Tajo		
16	,, 22	,,	Schooner	Francisca		Returned in October under Portuguese colours as the "Estela." See No. 62.
17	April 1	,,	,,	Ligera		Condemned at Sierra Leone.
18	,, 4	Portuguese	,,	Belencita.		
19	,, 14	,,	Ship	Palmira		Returned 17th December.
20	,, 20	,,	Schooner	Dulcinea.		
21	,, 25	,,	,,	Margarita.		
22	May 9	,,	,,	Eliza.		
23	,, 13	,,	,,	Primorosa		Condemned at Sierra Leone.
24	,, 20	Spanish	,,	San José.		
25	,, ,,	Portuguese	Polacra	Palmira.		
26	,, 23	,,	Schooner	Felicidad		Condemned at Sierra Leone.
27	,, 24	,,	,,	Vibora de Cabo Verde		Ditto.
28	,, 26	,,	Ship	Maria Segunda (*a*), Socorro		Returned.
29	,, 27	Spanish	Brig	Anita.		
30	,, ,,	,,	Schooner	Jacinto.		
31	June 3	Portuguese	Brig	Matilda.		
32	,, 13	American	,,	Morris Cooper		
33	,, ,,	Spanish	,,	Aguila Vengadora		Returned 30th June, 1838, as "Esplorador.
34	,, 16	Portuguese	,,	Liberal.		
35	,, 19	American	Schooner	Terrible.		
36	,, 26	Portuguese	Ship	Amalia		Returned. Formerly the "Cavallo Marin."
37	,, 27	Spanish	Schooner	Nueva Amable Salomé		
38	July 7	,,	Brig	Irene		Returned 8th July, 1838.
39	,, 8	Portuguese	Schooner	Constitucion		,, 15th Dec., 1837.
40	,, 11	American	,,	George Washington.		
41	,, 13	Portuguese	,,	Triunfo de Cabo Verde		
42	,, 14	,,	,,	Dos Hermanos.		
43	,, ,,	American	,,	Perry.		
44	,, 18	Portuguese	Brig	Maria Teresa		Returned 30th November.
45	,, 26	,,	Schooner	Prueba.		
46	,, 27	,,	,,	Segunda Maria		Returned.
47	,, 28	Spanish	Brig	Emprendedor	Garcia	Brought a cargo to St. Jago de Cuba.
48	,, 29	,,	Schooner	Josefita	Manegat	
49	Aug. 5	Portuguese	Brig	Fortuna.		
50	,, 19	Spanish	Schooner	Famosa Estrella.		
51	,, 21	American	Brig	Teaser.		
52	,, 22	Austrian	,,	Trasibolo	Smaserick	Carried negroes from Havana to the coast of Africa.
53	Sept. 9	Portuguese	Schooner	Destemida.		
54	,, 16	,,	Brig	Ligero.		
55	,, 19	,,	,,	Camoens		Captured by H. M. S. "Sappho."
56	,, 23	,,	Schooner	Oposicion		Captured by H.M.S. "Pearl."
57	,, 26	,,	,,	Circa		Returned.
58	,, 30	,,	,,	Feliz.		
59	Oct. 2	,,	,,	Felicidad.		
60	,, 3	American	,,	Washington.		
61	,, 18	Spanish	,,	Primera Union.		
62	,, 19	Portuguese	,,	Estela		Wrecked off Jamaica.
63	,, 20	American	,,	Joseph Hand.		
64	Nov. 2	Portuguese	,,	Ligera.		
65	,, 7	Swedish	Brig	Victorina		Cleared for Cape de Verds.
66	,, 18	Portuguese	,,	Vigilante.		Returned.
67	,, 25	American	Schooner	Cleopatra.		
68	,, 25	Portuguese	,,	Sin Igual		Returned.
69	,, 30	,,	Brig	Triunfo de Loanda		Returned with cargo to Santiago de Cuba.
70	Dec. 11	American	Schooner	Itramurza.		
71	,, 15	Spanish	,,	Montana		Returned.
72	,, 23	Portuguese	,,	Veloz		Ditto.

Portuguese	40
Spanish	19
American	11
Austrian	1
Swedish	1
	72

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No. 42.

Her Majesty's Commissioners to Viscount Palmerston. (*Received February* 16.)

My Lord, *Havana, January 17th*, 1839.

During the last month the following vessels were despatched from this Port, suspected of being engaged in the Slave Trade.

Dec^{r}.	3rd American Schooner	"Liberty"	for Rio Pongo.
,,	7th, Portuguese ,,	"Cerca,"	Cape de Verds.
,,	21st, ,, ,,	"Reyna de los Angeles"	San Tomé.
,,	21st, ,, ,,	"Maria Segunda"	San Pablo de Loanda.
,,	22nd, ,, ,,	"Constanta"	San Tomé.
,,	24th, American,	"William Savin"	Bahia de todos los Santos.

During the month the following is the only vessel reported to have arrived from the coast of Africa:—

Dec^{r}. 9th, Portuguese Brigantine "Trueno," with 528 negroes.

She took in her cargo at Isla del Principe, Master's name Costa.

We regret, however, to add that a great number of negroes have been brought here during the present month, respecting which we have this day prepared a communication for the Captain General of the Island.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 43.

Her Majesty's Commissioners to Viscount Palmerston. (*Received April* 11.)

(Extract.) *Havana, January 19th*, 1839.

In the Despatch dated the 22nd August last, from Her Majesty's Commissioner at this place, your Lordship was informed of the arrival here of the American ship "*Venus*," built at Baltimore expressly for the Slave Trade, and of her departure shortly after for the coast of Africa. The "*Venus*" sailed hence under the American flag, with several American citizens on board, but in the Ship's Articles, of which a glance, in bravado, was afforded Her Majesty's Commissary Judge, it was expressly stipulated that she was to be taken to Bahia, there to be transferred to the Portuguese Flag. This, however, appears not to have been done, for in the almost incredibly short period of four months the ship has returned, and in the beginning of this month landed on the coast the extraordinary cargo of not fewer than 860 slaves. At this time the name was changed to the "*Duquesa de Braganza*," and she bore the Portuguese Flag, but it was a matter of doubt, whether a valid, if any, transfer of her had taken place; and it was currently believed that the American subjects who had sailed in her from this Port had been present at the time when the slaves were taken on board. Indeed it was reported from the parties themselves that they had been visited on the coast of Africa, when bearing the American Flag, by the officers of a British cruizer; and upon being asked what they were doing there, answered the inquirers by saying "it was no business of theirs, and that they were Americans." They boasted also that though one of the cruizers watched, and saw them take part of their cargo on board, and attempted afterwards to follow them, yet the chase was made in vain, and undoubtedly the wonderfully short time in which this unprecedently successful voyage has been made, fully warrants the character which the ship brought here with her for her fast-sailing qualities.

Under these circumstances we felt it our duty to call the attention of the American Consul, who is also acting as Portuguese Consul, to so gross a violation of the laws, as well as of the Flag of the United States.

To this communication of ours the answer was returned, of which we enclose your Lordship a Copy, stating at very considerable length the opinions which had

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actuated him (the Consul) on the occasion just referred to, as well as his views in the present instance. The answer is worthy of consideration, as an evidence of the feelings held by certain classes of the American community with regard to the Slave Trade, and the part taken by the British Government to suppress it. In our reply, we confined ourselves to a general assertion of our duties, and of the grounds on which we exercised them. As we hear the correspondence has been sent to the Government of the United States, we trust your Lordship will consider the terms in which we addressed the Consul, as well as those in which we answered his reply, to be deserving the support of Her Majesty's Government.

With regard to the ship "*Venus*," otherwise the "*Duquesa de Braganza*," we should state that the original cost, we understand, was 30,000 dollars; and that the fitting out, and expenses of every description for the voyage, including the value for the return cargo, was estimated at 60,000 more; say altogether 100,000 dollars. The number of negroes brought back, as has been before stated, was 860, and they are said to have been sold at 340 dollars per head, producing the sum of nearly 300,000 dollars, of which, therefore, two-thirds was net profit. So long as such returns can be effected, we fear that no efforts whatever will be effectual in suppressing the traffic, and certainly not while the dealers have only to meet such a system of corruption, as pervades every department of the Government of the Island.

We have only further to add, that the ship "*Duquesa de Braganza*" is principally owned by the slave-dealer Mazorra, whom we have so often had occasion to name, and a Frenchman named Gautier; and that she is preparing again for another voyage.

First Enclosure in No. 43.

Her Majesty's Commissioners to the American Consul.

SIR, *Havana, January 8th*, 1839.

As it may possibly not have come to your knowledge, we think it right to make you acquainted with the report, prevalent in this place, respecting the ship "*Venus*," which arrived here the 4th August last, from Baltimore, and sailed shortly after for the coast of Africa.

This vessel, you will no doubt remember, arrived and sailed hence under American colours, under which it is said she took in a cargo of negro slaves, and has landed them within the last few days on this coast, about 860 in number. The report further states there are several American citizens implicated in this flagrant violation of the laws of the United States, and as the "*Venus*" may be hourly expected in the harbour, we would respectfully suggest to you, that such immediate steps may be taken on her arrival as may lead to the punishment of such offenders.

The peculiar relationship in which the United States are placed with Great Britain, induces us more anxiously to hope you will participate in the feelings with which this communication is made.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

N. P. Trist, Esq.
&c. &c.

Second Enclosure in No. 43.

Mr. Trist to Her Majesty's Commissioners.

Consulate of the United States of America,
GENTLEMEN, *Havana, January 8th*, 1839.

I HAVE received at a late hour this evening your letter, addressed to "N. P. Trist, Esq.," and dated "Havana, 8th January, 1839," which the presence of

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company in my parlour, where it was delivered, has prevented my opening until the night is too far advanced to permit me to engage in the task of a reply, without encroaching on the rest which a long day of unremitted labour demands. Unfitted as this has rendered me for resuming my pen at this moment, I am, however, impelled to do so by the desire to obtain, without delay, the important information which your letter affords ground for believing that it may be in your power to furnish.

Upon referring to the files of your predecessors in office, you will probably find there a letter, addressed by them to me, towards the close of the year 1836, and by me returned, upon the ground that I deemed it incumbent upon me to decline receiving any communication of that nature.

Upon comparing the two, you will perhaps be sensible, that the letter now before me, although differing from the other in one material particular, is yet so far of the same nature as to come within the rule which, upon that occasion, I announced as that of my conduct, and my conviction in regard to the indispensableness of which has since been fortified. Thus viewed by me, it would now impose again the unpleasant duty then discharged, were it not that the essential difference just adverted to leaves me, to a certain extent, free, in this instance, to avail myself of the information of which you may be possessed, and at the same time to indulge the disposition towards British functionaries, which fixed sentiments for the people have long made a part of my character.

In thus departing from the course pursued towards your predecessors, it is necessary that, to preclude misapprehension, I should trouble you with an explanation which would have been made to them, had it not been prevented by the tenor of their communication.

This was of so extraordinary a character, indicating so utter an oblivion or innate ignorance of the simplest applications (until then deemed by me self-evident) of first truths, in regard to inter-national independence, that it left me no other alternative to the course of passing it over, as I did, without remark or notice, than that of facing it with a rebuke, such as my command of language would have been severely tried in making commensurate with my sense of the insult. It would have accorded as ill with the habitual tone of my feelings towards their nation, as the provocation did with a decent respect for the independence of mine. From this unwelcome necessity I was spared by the relations, or rather the no-relations, in which we stood; a circumstance no sooner adverted to, than it stripped the communication of every attribute save naked absurdity, rendering it a fit object of derision alone, until, upon the contemplation thus awakened of what was going on around me here, and connected with it, in Great Britain, that feeling gave way to the more serious mixture of sorrow and indignation, at the spectacle of such prostitution of the energies of the British people in theatrical playings-off, to their delusion, and to the benefit of whomsoever it might concern, in a cause which, whatever differences of opinion may exist with respect to the justness or the immoderateness of the zeal displayed in it, is sanctified by a sincerity and a self-forgetfulness, in proportion to the intensity of which every empty show, got up by self-seekers, turning it to profit, becomes intensely disgusting and hateful.

Had the case been different, through the existence of any tangible relations between us, as agents of the two countries, the necessity would have been forced upon me, and, consequently, upon the Government of the United States, to demand to know upon which of the principles that govern the relations of States, and in consequence of what event, it might be, that any crimes or misdemeanors, real or assumed, committed by citizens of the United States, in this port or elsewhere, except on British territory, had become objects of cognizance to the British Government; so as to justify an agent of that Government, placed here in official relations with an agent of the Government of the United States, in supposing himself entitled to communicate in formal manner to the latter the results of the supervision, exercised by him over the proceedings of American citizens and American vessels (which proceedings, it may be remarked, were subjects of as little concealment here, and those results matters of as great notoriety, as the recent arrival of the French Prince from Vera Cruz), accompanied with the information *that it would be his painful duty to report the same to his own Government!* Such a demand it would, under some circumstances, have been imperative on me to make. But it was not so in the present; and, unpleasant as was the alternative which they presented, I deemed myself fortunate, even at that cost, to escape the obligation to be instru-

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mental in forcing upon the British Government a question, from which there was no escape but a direct disavowal of an indecency so gross, that its absurdity was the only palliation of which it could be susceptible, while, at the same time, the circumstances of the case were such as to obviate the necessity for such disavowal; precluding, as they did, unless by gross impeachment of its good faith, the supposition, that the outrage upon the United States could have been intended by that Government. The persons from whom it had proceeded had, it was to be taken for granted, been sent here by their Government, in no other capacity than that in which they had been recognised by the Spanish, under the Treaty which alone entitled them to be here at all; which capacity was purely judicial, or fractionally so, as part of a Mixed Court, whose functions consisted solely in bringing to adjudication, with the least delay and inconvenience, such vessels as, under the Treaty between the two countries, might be detained for having been engaged in an illicit traffic of slaves. Such being the sole purpose for which they were permitted to have an official residence upon Spanish territory, and even the form of process for that limited purpose having been strictly and minutely defined by Treaty, it could not be conceived that their Government had condescended to abuse the opportunity thus afforded, by sending them on any other errand; above all, was it not to be supposed that, openly trampling under foot the plainest rights of a nation which, however unfortunate, is still recognized as one of the States of Europe, it had intended their conversion into organs for offering unprovoked insult, in the same breath, to that nation, and to the foreign consuls holding exequaturs from her, and entitled, through decency to her, if no other motive, to be respected by all who accepted the right to official dwelling in her territory. The Treaty which placed them here, and a decent respect for the good faith of their Government, absolutely precluded, then, the supposition that it could have been a party to the letter addressed by them to me. Moreover the functions assigned them were so very limited, and of a nature so extremely simple, as to afford an obvious apology against even the charge of having neglected so to instruct them in relation to their duties, as to secure against all such abuses of their situation.

Such instructions are requisite, and the duty to give them imperative, only in proportion as the complexity of the functions intrusted to a public agent, or the haste in which he may be called upon to act, is such as to expose him to doubt or oversights. A perusal of the Treaty shows that it afforded neither of these grounds for precautionary instructions. Never were duties, or one single duty, rather (for it consists of a mere decision upon a naked question of fact), more simple in its nature, or more clearly defined, and it almost transcends belief that persons charged therewith should, even undesignedly—the only mode of transgression which a Government can anticipate, on the part of those in whom it puts trust, or provide against by instructions—overlook the boundaries of the field assigned to them, or fancy themselves placed in any official relations whatever towards foreign Consuls resident here.

Such were the considerations which governed my course in regard to the communication from your predecessors; and which, unpleasant as was the task of returning, reconciled me thereto as being, however rude in outward semblance, at bottom by far the least objectionable to all parties, of the alternatives forced upon me.

The present communication, as I was happy to see, is free from the offensive peculiarities of the former. Still it is liable to the fundamental objections, inseparable from any communication which you could possibly address to me, in regard to the conduct of citizens of the United States; one of which, indeed, applies to official communications on any subject whatever. This is, that there exists not any official relation of any kind between us. The other, that whatever relations might exist, and whatever might be my own functions in regard to offences committed by citizens of the United States against our laws, they could not be such as to allow me to recognize the right of any agent of any foreign Government to interfere, in any possible mode or degree, in the discharge of my duties, or to forbear repelling such interference if offered.

This is a necessary consequence of the independence of our two countries. You refer to "the peculiar relationship in which the United States are placed with Great Britain." Since the 4th of July, 1776, the only relation in which they stand to each other, is that of two independent nations, "enemies in war, in peace friends." Of that independence one of the vital parts consists in the exclusive execution, no less than the exclusive enactment, by each, of its own laws; rigorously

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excluding and repelling all interference in the one no less than the other. If there be upon earth two nations for whom, above all others, their own welfare and that of the world demands the most scrupulous regard for, and watchful observance of this principle, those nations are the two whom you have named. Mine is wedded to it in all its bearings; and if, as I trust, the harmony now happily subsisting between the two Governments is to endure, so as to allow the elements comprised in the bosoms of the two nations a fair opportunity to work out their natural results, it can only be through the cultivation of the same sentiment by your Government towards ours, if no other.

So thoroughly imbued with it is the latter, that no Consul or other functionary of the United States at this place or elsewhere, however full and accurate the information which he might have acquired on the subject, and however sincere his zeal against the Slave Trade, would ever dream of volunteering an official communication to a functionary of Great Britain, in regard to the amount of British fabrics made expressly for the Coast of Africa, nor of the number of casks of shackles (the distinctive instrument for carrying on the Slave Trade) of British manufacture, annually exported to this Island; some of which I have seen passing through the Custom House here, without attracting any more notice from either officers or bystanders than so many boxes of Dutch cheeses. He might, under instructions from his Government, have traced these things to their sources, so as to be able to designate every British manufacturer, merchant, and ship, from and through which they had reached thus far on their way to the Coast of Africa; and, upon looking into the statutes of their Parliament, he might have discovered, that they could not have got here without gross violation of British law. But, so great is the silent force of the general national sentiment upon this point, it would never occur to him, as a thing proper or decent or possible, that he should assume to take part in the administration of those laws, by addressing official communications, in regard to their violation, to British functionaries, charged or not charged with preventing it. If such an American officer were to be found, he would be a very remarkable exception; and, whatever might be the force of the motives impelling him to a course so inconsistent with the general sentiment of his country, there is one particular in which that course would be seen to evince the utmost respect for, if not dread of it, if his object in thus trampling upon the principles of national independence were to play off before any portion of his countrymen. However insensible he might be to other things, the dread of their penetration would effectually deter him from attempting any such game, unless he had furnished himself with better materials for it than rumours.

If requested to do so, he would doubtless cheerfully comply; as I trust that you will, with the request I now earnestly make of you, to oblige me, at the earliest possible moment, with all the information of any kind, regarding persons, occurrences or things, calculated to be of use to the Government of the United States in regard to the ship "*Venus*," or any matter connected with her; and particularly the fact of her having taken in a cargo of negroes whilst under the American flag; and the other fact that there are several American citizens implicated in this violation of our laws, and who those citizens are. One of you, gentlemen, has enjoyed the advantage of pursuing his studies at the Temple; and I need not tell you, therefore, that the great object is to obtain such materials, in the shape of facts, or persons, or indications of either, as may be susceptible of use towards the conviction of every individual implicated. If materials of this kind cannot be furnished by you, I would thankfully receive any specific facts, although unconnected with names of persons, should you not be at liberty to divulge them, which your peculiar opportunities and command of time for the purpose may have brought to your knowledge.

I am, &c.
(Signed) **N. P. TRIST.**

Her Majesty's Commissioners,
&c. &c. &c.

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Third Enclosure in No. 43.

Her Majesty's Commissioners to Mr. Trist.

SIR, *Havana, January 10th,* 1839.

WE have the honour to acknowledge the receipt of your answer of the 8th instant, to our communication of the same date, respecting the ship "*Venus*," which vessel, we have since heard, entered this harbour at a late hour the evening before.

In reply to your request to be furnished "with all the information regarding persons, occurrences or things calculated to be of use to the Government of the United States in regard to the ship '*Venus*,' or any matter connected with her, and particularly the fact of her having taken in a cargo of negroes whilst under the American flag, and the other fact that there are several American citizens implicated in this violation of your laws, and who those citizens are," we beg to say we have already communicated as much of the information we possessed as we felt ourselves at liberty to do. We referred you to the reports prevalent in this city upon the subject, and we hoped, as no doubt is entertained of their truth, that you would have thought them deserving of your own immediate investigation, either through the Captain-General of the Island, or by your own authority, and the intervention of the Commander of the American vessel-of-war now in the harbour. Any such investigation on your part, by examination of the Log-book and crew, could not have failed to elicit, much better than any information we could be expected to divulge, whether the following circumstances, as reported, are well founded or not.

1. Whether there were any American citizens on board the "*Venus*" during her late voyage to the Coast of Africa, and who those citizens are.

2. Whether the "*Venus*" was visited on the Coast of Africa by any British cruizer or cruizers without being detained, in consequence of her bearing the American flag, but one of which cruizers, having observed her take in some negroes under that flag, afterwards chased her, though without success.

3. Whether any sale or transfer was made of the vessel after leaving this harbour, and when, so as to divest her of her American character.

The ship's articles, we have heard, provided that she was to be taken to Bahia, where the sale was to take place, but the short time she has been absent (only four months) puts this out of the question; and whether transferred or not to any other flag, we fear it is indisputable that a gross abuse has been practised of the American flag.

It certainly forms no part of our duties at this place to take any steps to vindicate such a violation of your laws; nor have we any wish to interfere in any such cases, further than arises from an anxiety to suppress, if possible, all similar infringements of the rights of humanity. Our objects are too high, and our conviction of their rectitude too strong, to allow us to be turned from our course by taunts of any kind; and with regard to the United States in particular, we would wish to preserve unimpaired our respect for the laws which have declared the Slave Trade piracy. But it is in proportion to the respect we would wish to entertain, that we should regret to find those laws a dead letter, and your professions not followed up and carried into effect.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

N. P. Trist, Esq.
&c. &c. &c.

No. 44.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received April* 19.)

(Extract.) *Havana, January 26th,* 1839.

IN the Despatch, dated the 17th July last, from Her Majesty's Commissioner at this place, your Lordship's attention was directed to the circumstance of a vessel having sailed hence, under the French flag, in the month of March previous, for the Coast of Africa. Of this vessel, the "*Havre*," Her Majesty's Com-

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missioner, for reasons then explained to your Lordship, had had no knowledge, until four months after, when it appeared too late to take any other course respecting her, than to use ever diligence in watching for her return. For a long time all enquiries with this view were ineffectual, and we were informed that the owner, M. Forçade, not having had any intelligence himself of her returning, had began to think she had been taken; when, on the 22nd instant, we received information of her being off the Coast, and of her having landed, only a day or two previously, 520 negroes. Having satisfied ourselves that she had not entered the Harbour, and, taking advantage of so many French vessels of war (no fewer than ten) being then in this Port, to call for their intervention, we addressed a letter to the Consul-General of His Majesty the King of the French on the subject. In stating the circumstances attending the sailing of the "*Havre*" under French colours, and with several French subjects on board, we also expressed our belief that no valid, if any, transfer had been made of the vessel to any other flag; and therefore urged him to institute a strict search of the vessel on her arrival. In answer to this letter, of which we enclose your Lordship a copy (Enclosure, No. 1), we received a note the following day (Enclosure, No. 2), stating that our communication had been laid before His Royal Highness the Prince de Joinville, and M. Perceval, the senior officer of the French squadron at this place, who had sent out the brig of war "*Le Petit Thouars*" in search of the suspected vessel. The brig "*Le Petit Thouars*" accordingly went out on the 23rd instant, but returned about noon the following day, without the "*Havre*," of which we have not been able to obtain further information, though there is a report current, that she run on shore shortly after landing her cargo, and was lost. This circumstance is credited in quarters where we have learned to place confidence, though with a suspicion that the wreck was incurred purposely, as the most efficacious mode of putting an end to all enquiries. We have had no further communication from the French Consul-General on the subject.

First Enclosure in No. 44.

Her Majesty's Commissioners to the French Consul-General.

SIR, *Havana, January 22nd*, 1839.

WE regret to find it a duty incumbent upon us, to call your attention to the expected arrival soon in this port of the French brig "*Havre*," which sailed hence about the 20th March last for the coast of Africa.

This vessel sailed hence under French colours, with several French citizens on board, and owned by a Frenchman, M. Forçade, who was denounced to you so far back as November 1836, as engaged in the infamous traffic in negroes, for which he now possesses a disgraceful notoriety, not second to any one in this place.

We have not yet heard whether the "*Havre*" has been, according to the practice of these dealers in human misery, transferred, or pretended to be transferred, to any other flag, but we have been well-informed of her return, and of her having landed about 500 negroes in the last week on this coast.

As the vessel may, therefore, be hourly expected in the harbour, we would respectfully suggest to you the propriety of putting her under immediate surveillance, either through the instrumentality of the Captain-General, or by your own authority, and the intervention of the Marine Force of His Majesty the King of the French, now at this place.

The peculiarly friendly relations, in which the Government of Her Britannic Majesty is placed with that of His Majesty the King of the French, makes us feel assured that you will participate in the feelings with which this communication is made; and with regard to your own private dispositions towards this "infamous traffic in negroes," to use your own words, we have to rely on your recorded anxiety "to put a stop to these odious undertakings."

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

A M. M. Mollien, Consul-Général,
&c. &c. &c.

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Second Enclosure in No. 44.

(Translation.)

The French Consul-General to Her Majesty's Commissioners.

GENTLEMEN, *Havana, January 23rd,* 1839.

IN consequence of the communication contained in your letter of yesterday, His Royal Highness the Prince de Joinville, in concert with Monsieur le Commandant Perceval, has ordered the brig of war, the "*Le Petit Thouars*," to make ready immediately, to go in search of the suspected vessel which you have denounced to me.

Accept, Gentlemen, the assurances of my distinguished consideration,

(Signed) MOLLIEN.

The Members of the Mixed Commission.

No. 45.

Her Majesty's Commissioners to Viscount Palmerston. (*Received April* 1.)

MY LORD, *Havana, February 4th,* 1839.

THE great number of slave-vessels that have arrived here during the present month, with full cargoes from the Coast of Africa, appearing to render it imperatively incumbent on us to remonstrate with his Excellency the Captain-General on the subject, we addressed his Excellency a letter, of which we enclose your Lordship a copy, stating the circumstances attending the arrival of three vessels in particular, to which we beg to call your Lordship's attention. To this letter we received a reply from his Excellency, expressed in terms similar to those which have been uniformly in times past employed by the Local Government, to evade the just fulfilment of existing laws and treaties.

On the receipt of this, having procured a copy of a Royal Order recently promulgated at Madrid, dated the 2nd November, 1838, against the continued prosecution of the Slave Trade in this Island, we thought it right again to address the Captain-General, requesting him to insert the same three times in the "*Diario*," as is customary to be done with other royal orders. This we thought advisable, as we stated in the correspondence, not only to show the people here the avowed wishes of the Government of Her Catholic Majesty, but also in support of our assertions, that the importations are not the less an infraction of the laws, on account of their being made under the Portuguese flag.

To this application we received an answer from His Excellency, refusing the insertion, upon grounds of policy peculiar to the Island; and we have heard from a quarter on which we can rely, that he has written to his Government in angry terms of this correspondence, and deprecating our interferences, as contrary to the prosperity of the Island.

We fear that the Royal Order referred to will be as inefficacious as any before published, and we beg therefore to repeat our opinion expressed to the Captain-General, that no laws on the subject will be respected, until a more honest determination be shewn to punish offenders, and until rewards await those who will assist in bringing them to justice.

We have, &c.

(Signed) J. KENNEDY,
CAMPBELL J. DALRYMPLE.

The Right Honourable Viscount Palmerston, G.C.B.
&c. &c &c.

First Enclosure in No. 45.

Her Majesty's Commissioners to the Captain General.

MOST EXCELLENT SIR, *Havana, January 19th,* 1839.

WE regret to feel it a duty incumbent upon us, to call your Excellency's attention to the alarmingly increasing importation of Bozal negroes into this island.

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On the 3rd instant the Portuguese ship "*Amalia*," which was formerly well known as a slave ship when under Spanish colours, and then named the "*Cavallo Marin*," entered this harbour, having a short time previously landed more than 500 slaves on the coast.

On the 4th instant, the Portuguese schooner "*Felicidade*," entered the harbour, having also a few days previously landed about 250 slaves on the coast.

On the 7th instant, a ship which, only four months since, sailed from this harbour under American colours, then called the "*Venus*," now returned as the "*Duquesa de Braganza*," and under the Portuguese flag, though there is good reason to believe that no valid transfer of the vessel was effected. This ship, it is we fear indisputable, brought the astonishing number of 860 slaves from the coast of Africa.

These facts, though they must be known to every other officer of the Government, cannot surely have been communicated to your Excellency, or we feel certain that your Excellency would have taken immediate steps to suppress such flagrant prosecution of this disgraceful traffic. We feel assured that the Government of Her Catholic Majesty will look with extreme indignation on this continued violation of the laws of the country, and not consider the importation as less to be deprecated, because the laws are thought to be evaded by the use of the Portuguese flag.

Since the last-named vessel entered the harbour, we have ascertained the arrival of another, the particulars of which have not yet reached us, but the circumstances connected with the trade, and with the "*Amalia*" in particular, we cannot advert to without the extremest horror. This vessel, we fear it cannot be denied, took in her miserable cargo at Madagascar, above 700 in number, of whom no fewer than 200 died on the voyage.

Such disgraceful violations of the laws, such open defiance of your Excellency's authority, and such murderous practises attendant upon the trade, we feel assured need only be pointed out to your Excellency's notice, to induce your Excellency to institute a strict and honest inquiry as to who are the guilty parties engaged in them, with a view to the punishment of the offenders, and the suppression of their crimes.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

His Excellency the Captain-General,
&c. &c. &c.

Second Enclosure in No. 45.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN, *Havana, January 29th,* 1839.

IMMEDIATELY on the receipt of your communication of the 19th instant, relative to the Portuguese vessels, which you state to have been employed in the prohibited trade in slaves, I referred it to the Commandant of Marine, who replied, under date of the 22nd instant, as follows :—

"Most Excellent Sir—Having considered the communication, made to your Excellency by the British Commissioners, in which they report the arrival in this harbour of three vessels under the Portuguese flag, respecting which they have received information of their having been employed in bringing negro slaves, whom they have landed on the coasts of this island, I have to acquaint your Excellency that I have no other evidence regarding the said vessels than their arrival, as reported by the Captain of the Port; their being foreigners places them beyond the intervention of the Marine department, and thus, although this Department should desire to enter upon an investigation, in consequence of the denunciation, it is not in its province so to do, as would be the case if it regarded a Spanish vessel, against which regular proceedings are commenced, and addressed by me to your Excellency, for your information. The circumstance of the nationality, as pointed out by the Commissioners, of the vessel now called the "*Duquesa de Braganza*," and her having been American property, the Marine Department has no cognizance

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of either: therefore I have no means of giving your Excellency any information, as I would wish to do, on any one of the points in the said communication, being absolutely ignorant of the subject of which it treats."

To throw more light on the matter, I directed the Captain of the Port to acquaint me with the particulars to which you refer, and he has reported, under this day's date, as follows:—

"Most Excellent Sir—I have received your Excellency's official letter, in which is transcribed the one addressed to your Excellency's respectable authority, by Her Britannic Majesty's Commissioners, and having well considered its contents, in obedience to your Excellency's directions, I beg to state as follows:—Every national and foreign vessel which leaves this port, after the Custom-house has reported the receipt of the tonnage duties, is despatched from this office with a *rol*, which is certified by her Consul, or by the person appointed by her Government to exercise his functions, and also with the Royal License, which confirms the legitimacy of her flag: those which arrive are most carefully examined, to ascertain if their papers be correct, and their proceedings lawful; therefore, I can assure your Excellency that no such vessels ever pass the Morro. It is true that since I hold this office of Captain of the Port, I have sometimes seen vessels of Her Britannic Majesty arrive with captured slavers, and that this commerce still exists, notwithstanding the constant, positive, and rigid orders issued by your Excellency to paralyze the roots of so ungracious and inhuman a traffic: but how is it possible, most excellent Sir, as I have before observed, to put a stop to this prohibited trade, in an island of more than 600 leagues in circumference, entirely unpeopled, abounding in harbours and bays, where is no cruizer, and which no cruizer could constantly guard, nor a land force be of any avail over such an extent of territory? Nobody knows better than your Excellency that this prohibited trade is, and has been the general pest (polilla, literally a moth) of nations, even of the most populous, which chance and time have placed in the highest degree of felicity, and in which the laws operate with full force and vigour, in other words, France and England are witnesses if the contraband trade exist or not in those countries.

"I ought to remark to your Excellency, that the Commissioners of Her Britannic Majesty are under a mistake, in stating that the Portuguese ship "*Amalia*" was Spanish property before being put under the Portuguese flag, which she still retains, for she was never, at least in this port, under the Spanish flag, although under the Sardinian. This is all I have to state to your Excellency's respectable authority, in obedience to your superior orders."

All which I transcribe to you, Gentlemen, in reply to your before-mentioned communication; it being understood that I refer the whole to Her Majesty, for her sovereign resolution.

God preserve you many years,

(Signed) JOAQUIM DE EZPELETA.

Her Majesty's Commissioners,
&c. &c. &c.

Third Enclosure in No. 45.

Her Majesty's Commissioners to the Captain-General.

MOST EXCELLENT SIR, *Havana, January 31st,* 1839.

HAVING received a copy of the royal order of the 2nd November last, by which Her Majesty the Queen Regent of Spain, in noticing the frequent introductions of negro slaves of late into this island, in contravention of the principles of humanity and public convenience, and infraction of the Treaties with Great Britain, has especially directed your Excellency to take the most efficacious means to put down this miserable traffic, we beg respectfully to suggest, that your Excellency should command insertion of the same three times in the "Diario," as in the case of other royal orders.

At the same time we fear that no hope can be entertained of fully suppressing this contraband traffic, so contrary to the best interests of this valuable island, unless more efficacious means are adopted to punish all offenders, foreign as well as

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native, and also unless some reward be held out to those who will give information sufficient to condemn them.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

To His Excellency the Captain-General,
&c. &c. &c.

Fourth Enclosure in No. 45.

(Translation.) *The Captain-General to Her Majesty's Commissioners.*

GENTLEMEN, *Havana, February 1st,* 1839.

I LEARN by your communication of yesterday, that you have received a copy of the royal order of the 2nd November last, whereby Her Majesty especially directs that I adopt the most efficacious measures for putting an end to the miserable and contraband trade in slaves, and that you request me to permit you to suggest that it be inserted three times in the "Diario," as in the case of other royal orders: upon which particular I have to acquaint you in reply, that the peculiar circumstances of an island, in which there is such an excessive number of slaves, present to the considerations of policy and prudence motives for avoiding the publication of any kind of expression, of easy interpretation, which might lead them on to mutiny or riot, under the supposition that they were unjustly oppressed. The moment I received the aforesaid royal order, I communicated it to the Governors and Lieutenant-Governors of the Island, in order that they might, in compliance with Her Majesty's directions, effectually guard against the infringement, in the provinces under their command, of the solemn Treaty between Her Majesty and England for the abolition of the trade in slaves, and prevent the clandestine introduction of the latter by all the means in their power; of which step I have acquainted Her Majesty, and will not only watch over its observance, but will moreover take care that the infractors be exemplarily chastised in accordance with the laws.

In regard to the measures of offering rewards to those who may give information sufficient to condemn the delinquents, it is not in the province of my authority to adopt them, but pertains to Her Majesty, as being a legislative decree.

God preserve you many years.

(Signed) JOAQUIN DE EZPELETA.

Her Majesty's Commissioners,
&c. &c. &c.

No. 46.

Her Majesty's Commissioners to Viscount Palmerston.—(Received April 1.)

MY LORD, *Havana, February 20th,* 1839.

WE have the honour to enclose to your Lordship the lists we have received, 1st, of vessels that have arrived in this harbour during the last month from the Coast of Africa; and, secondly, of those that have sailed from hence, during the same period, for that destination, suspected of being engaged in the Slave Trade.

From the first-named list your Lordship will perceive, that the number of arrivals was very great, but we regret to say that the list was incomplete. On the 22nd January a vessel entered from Ayuda or Whydah, of which we have not ascertained the particulars, but have no doubt of its having been engaged in the illicit traffic.

On the 4th January the American brig "*Comet,*" Captain Dickson, which sailed from this port on the 18th September last for the Cape Verd Islands, with stores, &c. for the slave ships, returned in ballast, and was entered as consigned to the English house here of Drake and Co. On calling upon one of the partners of that house for an explanation, we were assured that this was done without their

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being consulted on the subject, and that they had no interest whatever in the vessel, or in her last voyage.

On the 30th of January Her Majesty's Judge saw two Portuguese brigs enter the harbour, for which the red flag designating their arrival from Africa, was hoisted on the signal staff at the Moro Castle as they passed. They have not been put into the list, probably because they were not entered in the Custom-house books, as the dates of all the other vessels are given a day or two after their actual arrival.

The names of the two brigs were, 1st. the "*Felicidad*," from Lagos, Master's name, Barroso; sailed from hence 5th April, 1838; 2ndly, the "*Ulisses*," from Ayuda, Master's name, Fernandez. This vessel belongs, we believe, to Matanzas, where she arrived two or three days previously, in ballast, without the Captain and second Mate, on account of some disagreement between them and the crew on the Coast of Africa. In consequence of this, the vessel was sent on here, under charge of a number of Spanish soldiers, with the crew in irons, as having been guilty of mutiny or piracy, for which they are now in custody.

We regret to add, that there continues every appearance of the trade being persevered in with the same vigour as during the past year. There are, we understand, no fewer than 30 vessels at present in the harbour engaged for that purpose, and we have been informed by a respectable American merchant, that, "if he had for sale 12 or 14 small fast-sailing clippers, suited for the trade, he knew there were customers here for them."

During the present month a vessel has arrived from Africa with 400 negroes, under the Buenos Ayres flag, and on the 15th the schooner "*Rosario*" cleared out for the Cape Verds under the Spanish; the only instance of that flag being so used during the last eight months.

To the list of arrivals we have appended some remarks, to which we beg to direct your Lordship's attention.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 46.

List of Vessels arrived in the Port of Havana in the month of January, 1839, *after having, as it is said, landed slaves on the adjacent coast.*

1.	January 4th,	Portuguese	ship	"Amalia" with about	510	Africans.
2.	„ 6th,	„	schooner	"Dichosa" „	220	„
3.	„ 7th,	„	ship	"Duqueza de Braganza	840	„
4.	„ 7th,	„	schooner	"Josefina „	227	„
5.	„ 17th,	„	„	"Brilliante „	223	„
6.	„ 30th,	„	„	"Segunda Union	172	„
				In all	2192	

7. Besides which 540 Africans are said to have been landed from a vessel, formerly the French brig "*Havre*," which, after discharge, was lost on the coast.

Commissioners' Remarks.

1. From Mozambique, Master's name Miquete, sailed from Havana 16th June, 1838, chiefly owned by M. Forçade; took in upwards of 700 negroes, of whom more than 200 are reported to have perished on the passage. (See further the Despatch of 1839, February 4.)

2. From San Pablo de Loanda: Master's name Settos.

3. From San Tomé: Master's name Caelet. (See further the Despatch, of 1839, dated 4th February.)

4. Supposed the same as the Spanish schooner "*Josefina*," which sailed from this port the 20th February, 1838, and afterwards as the Portuguese schooner "*Josefita*," the 12th July.

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5. Landed her cargo at Santiago de Cuba: Master's name Sanchez.
6. From Isla del Principe: Master's name Olinda: sailed from this port 8th June, 1838.
7. Sailed from this port 17th March, 1838, the property of M. Forçade. (See further the Despatch, of 1839, dated 26th January.)

Second Enclosure in No. 46.

List of Vessels despatched from the Port of Havana in the month of January, 1839, suspected of being engaged in the Slave Trade.

23rd January, American schooner "*Rebecca*," to Gallinas.
26th ,, ,, brig "*Oriental*," to Lagos.
28th ,, Portuguese ,, "*Fortuna*," to Lagos.

No. 47.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, April 12th*, 1839.

I HEREWITH transmit to you a copy of a Despatch which I have received from Her Majesty's Commissioners at Sierra Leone; and, in compliance with the suggestion therein contained, I have to request that you will add to the list of vessels which leave the port of Havana, destined for Africa, the names of their commanders, whenever the information which you can obtain shall enable you so to do.

I am, &c.
(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 47.

Sierra Leone Commissioners, Spain, December 5, 1838.

(See No. 11. p. 25.)

No. 48.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, April 16th*, 1839.

I HAVE received your Despatch of the 19th of January, 1839, containing copies of a correspondence which had taken place between yourselves and Mr. Trist, the United States Consul at the Havana, on the occasion of your having communicated to that gentleman information respecting the vessel, the "*Venus*," which had sailed from the Havana for Africa, under the flag of the Union, with several American citizens on board, and had returned within four months, with a cargo of 860 slaves, from Africa.

With reference to that part of Mr. Trist's letter to you, which relates to British fabricks made expressly for Africa, and to shackles of British manufacture intended for Slave Trade, exported from England, and imported into Cuba, I have to desire that you will state to Mr. Trist that, if he can at any time furnish Her Majesty's Government, through you, with any information which may, directly or indirectly, enable Her Majesty's Government to enforce the penalties of the law against British subjects who may be concerned in Slave Trade, Her Majesty's Government will feel most sincerely obliged to him.

You will observe to Mr. Trist, that the two Governments having, by the 10th

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Article of the Treaty of Ghent, mutually engaged to each other that they would "use their utmost endeavours to promote the entire abolition of the Slave Trade," it seems to be perfectly consistent with the respect, which the Agents of each country must feel for the other country, that they should not only themselves act in strict accordance with the spirit of the engagement which their own Government has contracted, but that they should furnish to the Agents of the other Government any information, which may be calculated to enable that other Government more effectually to accomplish the common purpose.

I am, &c.

(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

No. 49.

Her Majesty's Commissioners to Viscount Palmerston.—(Received May 6.)

My Lord, *Havana, March 20th,* 1839.

We have the honour to enclose the lists we have received, of the arrivals here, and departures from this port during the last month, of vessels suspected of being engaged in the Slave Trade.

From these, your Lordship will regret to perceive, that the trade continues to as lamentable an extent as ever, and for the reasons we have from time to time given, we fear that there is every appearance of its being still further extended. It should, however, be remarked that the months of November, December, January, and February, have always been the chief months for the arrivals of slave vessels, and at the present time, they have come with comparative impunity, on account of there being so few British cruizers on the coast. We trust that, at the next season, there will not exist a similar necessity for the withdrawal of those cruizers, and would suggest that one or two might, during those months, be stationed permanently on this side of the Island, with orders to leave some of their larger boats and sufficient men at the favourite landing-places (which might be then pointed out) to wait the arrival of the slavers.

With regard to suggestions we have heard made for a squadron of not less than ten vessels to be appointed to cruize off this Island, we think that if so large a force could be spared during the months before mentioned, they might be so employed with success. But if so many vessels could not then be spared, we think that the following points would be advisable to be watched, bearing in mind the stationing of a large boat, with, perhaps, a long gun, and sufficiency of arms, unless the vicinity of the vessel to which they may belong shall render that unnecessary.

On the South Side of the Island.

1. One to cruize off Cape Cruz, bearing towards St. Jago de Cuba; near which port the boat might be kept.
2. One off the Isle of Pines, looking towards Trinidad de Cuba, and the new and very flourishing Port of Sagua.
3. One off Cape Antonio.

On the North Side.

1. One off Cape Maize, from Cumberland Harbour to the Islands of Tortuga and Inagua.
2. To have two vessels stationed off Havana, one on each side, or, if a steam vessel could be spared, with a couple of armed launches in communication.

From Cape Maize, northward, there are so many keys or inlets, and the navigation is altogether so intricate, that the chance of success appears altogether accidental, and we think it therefore would be better to watch the points of approximation, from whatever direction the vessels may arrive.

There is an opinion here now arising, that the British Government is becoming somewhat apathetic on the subject of the trade, and if this be encouraged by no more decisive steps being taken till the next season, and an increased and combined series of operations be then carried into effect, the trade might perhaps receive a

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shock from which it would take years to recover. We fear, however, that so long as such a demand exists for negro slaves in the Island, and such a determined and interested partiality in its favour on the part of the local Government, no efforts from abroad can do more than ruin one portion of the speculators and enrich another, as in the manner of a lottery, unless the British Government be prepared to enforce a sort of blockade, which, for other reasons, might be far from desirable.

Of the proceedings of the slave dealers during the present month, we have only further to inform your Lordship, that the celebrated slave ship, the "*Socorro*," under her present name of "*Maria Segunda*," and the Portuguese flag, arrived here from Mozambique on the 11th instant. She took on board, it is said, 820 unfortunate beings, of whom only 570 were landed here, the other 250 having perished miserably on the voyage, reducing, say the speculators, their profits to only 25 per cent.

Feeling unable to express our sense of the continuance of such murderous enormities, we can but point them out to your Lordship, in the conviction that some steps such as we have suggested, will be taken in the proper time to sweep these seas of such traffickers, and punish the dealers by the ruin it would occasion them.

We have, &c.

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G. C. B.
&c. &c. &c.

First Enclosure in No. 49.

List of Vessels arrived in Havana in the month of February 1839, *after having, it is said, landed Slaves on the adjacent Coast.*

2nd	February,	Portuguese brig	"*Felicidad*"	after landing, it is said,	447	Slaves.
3rd	„	„ „	"*Matilde*"	„ „	296	„
14th	„	Oriental „	"*Primogenito*"	„ „	467	„
21st	„	Portuguese schooner	"*Labandeira*"	„ „	229	„
25th	„	„ „	"*Elisa*"	„ „	116	„
				In all	1555	

Commissioners' Remarks.

N.B.—Besides these vessels, on the same day with the "*Felicidad*" arrived the Portuguese brig "*Ulisses*," from Ayudah, Master's name,—Fernandez.

And on the 20th, arrived from Onin, the Portuguese schooner "*Ligera*," Master's name,—Souza.

The Oriental (or Monte Videan) brig "*Primogenito*" was erroneously characterized in our Despatch, of the 20th February, at Buenos Ayrean.

Second Enclosure in No 49.

List of Vessels despatched from the Port of Havana in the month of February, 1839, *suspected of being engaged in the Slave Trade.*

8th	February,	American schooner	"*Wm. Bayard*"	for Cabo Verde.
19th	„	Spanish „	"*Nra Sra del Rosario*	„
„	„	Portuguese „	"*Montaña*"	„ San Pablo de Loanda.
„	„	American brig	"*Morris Cooper*"	„ Lagos.
„	„	„ schooner	"*Perry Spencer*"	„ Gallinas.

No. 50.

Her Majesty's Commissioners to Viscount Palmerston.—(Received May 23.)

My Lord, *Havana, April* 15, 1839.

During the last month, the following vessels were despatched from this harbour for the coast of Africa, suspected of being engaged in the Slave Trade:

March 6,	American	brig,	"Wyoming,"	for Pitavasa.
„ „	Do.	schooner,	"Octavia,"	„ Costa de Oro.
„ 12,	Portuguese	„	"Josefina,"	„ San Tomo.
„ 21,	„	„	"Constitucion,"	„ Do.
„ „	American	„	"Joseph Wilding,"	„ Cape de Verds.

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Of arrivals of slave vessels during the month, we have received the following list:

March 3,	Portuguese schooner,		"Constitucion,"	after landing, it is said,	213	slaves.
„ 7,	„	„	"Josefina,"	„ „	235	„
„ 11,	„	ship,	"Maria 2d," (otherwise "Socorro,")		553	„
„ 23,	„	brig,	"Liberal,"		257	„

But, besides these, arrived,—

March 22. The Portuguese schooner, "*Libertad,*" otherwise the "*Victoria,*" having previously landed a cargo of slaves, at, or near, Matanzas; and on the 16th of March, arrived the Spanish schooner, "*Volante,*" from Sierra Leone, bringing a number of passengers, the crews of vessels that had been condemned there by the Mixed Courts of Justice.

On the 24th February, arrived another set of passengers, 40 in number, of the same character we believe, in the Spanish brig, "*Temerario,*" from Sierra Leone.

Both these vessels were, no doubt, on the coast, on slave trading speculations, and were chartered to bring home those persons; but their previous names or history we have not been able to trace. Coming on a lawful voyage, they would, of course, assume their proper character of Spanish vessels, to be exempted from the additional port charges, rather than that of Portuguese.

We have, &c.,

(Signed) J. KENNEDY.
CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 51.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, May* 28, 1839.

I herewith transmit to you for your information and guidance, a copy of a Despatch from Her Majesty's Consul at Lisbon, enclosing the translation of an Instruction, which has been addressed by the Portuguese Government to the Directors of the several custom-houses of the Kingdom, warning them against some foreign vessels suspected of being about to assume the Portuguese flag, for the purpose of engaging in the Slave Trade.

I am, &c.

(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 51.

Mr. Smith to Viscount Palmerston, Lisbon, April 22.

(See Class B, No. 65, page 111.)

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RIO DE JANEIRO.

No. 52.

Viscount Palmerston to Her Majesty's Commissioners.

Foreign Office, February 5th, 1839.

Her Majesty's Commissioners at Rio de Janeiro were furnished with copies of the correspondence, herewith given, between the Foreign Office and the Colonial Department, on the subject of negroes, liberated under sentence of the Mixed British and Brazilian Commission, established at Rio de Janeiro; and the desire of Viscount Palmerston was expressed to Her Majesty's Commissioners, that they would inquire into the truth of the statement made in the Enclosures to the Letter from the Colonial Department, and that they would report to Lord Palmerston the result of their inquiry.

First Enclosure in No. 52.

Mr. Stephen to Mr. Backhouse.

SIR, *Downing-street, 19th January,* 1839.

I AM directed by Lord Glenelg to transmit to you herewith, and to request that you will bring under the notice of Viscount Palmerston, a copy of a note which has been received from Mr. Gladstone, containing an extract of a communication from a correspondent at Rio Janeiro, from which it would appear that a practice exists of apprenticing, in the Brazils, negroes liberated from slave-vessels, and by fraudulent certificates of death, reducing them to a state of slavery.

I have, &c.

(Signed) JAMES STEPHEN.

John Backhouse, Esq.
&c. &c. &c.

Sub-Enclosure A.

Mr. Gladstone to Mr. Stephen.

MY DEAR SIR, *Carlton Gardens, 8th January,* 1839.

I HAVE just received the enclosed from my son, at Liverpool; and as I consider the communication from Rio Janeiro to be very important, I enclose it for your perusal and communication to Lord Glenelg, or whatever use you may consider it desirable to make of it.

If these poor people, that are so horribly and unjustly treated, were sent to Bri-

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tish Guiana, how differently they would fare there, whilst an important benefit would be conferred on that colony, of which it stands so much in need.

Believe me, &c.
(Signed) JOHN GLADSTONE.

James Stephen, Esq.
&c. &c. &c.

Sub-Enclosure B.

(Extract.)

"IT appears, when slave-ships are taken by the English cruizers off this coast, the slaves in them are very often, instead of being sent home to Africa, hired out to the people in this country, to serve an apprenticeship of ten years, under the protection of the Brazilian Government; but, before the term expires, the people to whom they are apprenticed generally get a false certificate of death sent in, and the unfortunate wretches are never more heard of, and of course kept in a state of slavery all their lives. Now Mr. Ouseley thinks that, if they could be sent to the West Indies to serve their apprenticeship there, it would be a benefit conferred both upon the negroes themselves, (as they would be sure of their freedom if they survived the term of apprenticeship,) and also upon the proprietors in those colonies, where labourers are wanted."

Second Enclosure in No. 52.

Mr. Strangways to Mr. Stephen.

SIR, *Foreign Office, February 4th*, 1839.

I HAVE laid before Viscount Palmerston your letter of the 19th inst., and its enclosures; and I am directed by his Lordship to request that you will state to Lord Glenelg, in reply, that reports had already, some time back, reached Her Majesty's Government, that negroes, liberated from slave-vessels by the Mixed Court at Rio de Janeiro, and apprenticed in Brazil, have, by fraudulent certificates of death, been reduced afterwards to a state of slavery.

Upon a reference to the correspondence, which is marked in the margin of this letter,—and the whole of which, with the exception of five papers herewith sent, will be found in the Slave Trade Correspondence of this office, annually laid before Parliament,—it will be seen that Her Majesty's Government have been unceasing in their efforts to procure for the unfortunate individuals in question, the entire and permanent liberty to which they are entitled by treaty.

The result of these endeavours on the part of Her Majesty's Government has been, that the Brazilian Government have established and published stringent regulations to prevent the abuses complained of. Lord Palmerston desires me to add, that, from the laxity with which all laws against Slave Trade are executed in Brazil, there is too much reason to fear, that the abuses complained of have not been effectually corrected even by the regulations so published.

Lord Palmerston directs me, however, to assure Lord Glenelg that this subject will continue to engage Lord Palmerston's earnest attention.

I am, &c.
(Signed) W. FOX STRANGWAYS.

James Stephen, Esquire,
&c. &c. &c.

Correspondence referred to in this Letter.

	Date.	Class.	No.	Page.
Rio Commissioners to Mr. Canning - - -	November 20, 1826	A.	123.	165.
Mr. Backhouse to Rio Commissioners - -	February 27, 1830	(Printed as Third Enclosure.)		
Mr. Hayne to Mr. Backhouse - - - - -	March 4, 1830	(„	Fourth	„ .)
Two Enclosures.				
Mr. Cunningham to Mr. Backhouse - -	May 19, 1830	(„	Fifth	„ .)
Mr. Cunningham to Mr. Backhouse - - -	Separate (no date.) Rec. July 17, 1830	(„	Sixth	„ .)

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	Date.	Class.	No.	Page.
Mr. Pennel to Viscount Palmerston - - -	February 12, 1831	B.	85.	113.
Mr. Aston to Viscount Palmerston - - -	March 5, 1831	B.	61.	95.
to Mr. Aston - - -	November 1, 1831	B.	80.	108.
Mr. Aston to Viscount Palmerston - - -	May 19 1832	B.	45.	32.
Rio Commissioners to Viscount Palmerston -	December 10, 1834	A. 1835.	147.	226.
Lord Mahon to Rio Commissioners - -	January 17, 1835	A.	148.	228.
Duke of Wellington to Mr. Fox - - -	March 4, 1835	B.	69.	63.
Rio Commissioners to Duke of Wellington -	March 18, 1835	A.	168.	254.
Rio Commissioners to Viscount Palmerston -	July 5, 1835	A.	184.	282.
Rio Commissioners to Viscount Palmerston -	July 27, 1835	A.	187.	285.
Rio Commissioners to Viscount Palmerston -	September 16, 1835	A.	195.	292.
Rio Commissioners to Viscount Palmerston -	January 6, 1836	A.	203.	312.
Rio Commissioners to Viscount Palmerston -	September 30, 1836	A.	292.	243.
Viscount Palmerston to Rio Commissioners -	April 18, 1838	First Series of Papers of 1837. A.	66.	89.
Rio Commissioners to Viscount Palmerston -	July 14, 1838	Now printed in Papers of 1838. A.	115.	169.

Third Enclosure in No. 52.

Copy.—*Mr. Backhouse to Mr. Hayne,* et mutatis mutandis *to Mr. Cunningham.*

SIR, *Foreign Office, February 27th,* 1830.

LORD ABERDEEN directs me to send to you the accompanying extract of a letter which has been communicated to his Lordship from Rio de Janeiro; and to desire, with reference to the Despatch from yourself and Mr. Cunningham, of the 20th November, 1826, that you will report to me, for his Lordship's information, what steps you have taken, or what information you have obtained from the Government of Brazil, since the date of that communication, upon the subject of the treatment of slaves emancipated under decrees of the British and Brazilian Court of Mixed Commission at Rio de Janeiro.

I am, &c.
(Signed) J. BACKHOUSE.

Sub-Enclosure.

Extract of a Letter, dated Rio de Janeiro, December 17th, 1829.

Is it known to the British Government that the two prizes with slaves, captured off the Coast of Africa, by the British man-of-war "Morgiana," and another sloop, some years back, and brought in here for condemnation, and given up to the Commission Court; that the negroes are still slaves, and in all probability will remain so; that every person who took them as apprentices, paid so much to the Commissioners, but much under their real value; that many of these unfortunate men are taken to the mines, and other parts, and of course remain as slaves, for no one knows how or where to reclaim them?—I was in the "Morgiana" at the capture of one of them, and I daily see the men as slaves working in the streets; and two days ago one was offered for sale, who appealed to me, and said he was not a slave. The Commissioners have a certain salary. Why do they not look after this?

Fourth Enclosure in No. 52.

Mr. Hayne to Mr. Backhouse.

SIR, *Stonehouse, Plymouth, March 4th,* 1830.

I HAD the honour to receive your letter of the 27th February, last night, together with its enclosure, (Extract of a Letter from Rio de Janeiro, dated 17th December, 1829,) desiring me to report to you, for Lord Aberdeen's informa-

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tion, with reference to the joint Despatch of Mr. Cunningham and myself of the 20th November, 1826, what steps we had taken, or what information we had obtained from the Government of Brazil, since the date of our above-named Despatch, relative to the treatment of the slaves emancipated by the Mixed Commission at Rio.

In reply, I beg to inform you, Sir, that very soon after our joint letter on the subject in question had been delivered to Mr. Gordon, and transmitted to the Foreign Office, I was constrained, from severe illness, to return to this country. I have reason to believe, however, that Mr. Gordon was unable to obtain from the Brazilian Government any revision of, or alteration in, the Alvara which regulates the system by which the emancipated slaves are governed, or even any public inquiry into the abuses which were said to exist under those regulations.

Having ourselves been more than once reproved for finding fault with the manner in which the Treaty in some of its branches was fulfilled by the Government of Brazil, in which our Brazilian colleagues participated, and having been given to understand that we thereby arrogated to ourselves a diplomatic character, and that our business was confined to the adjudication of vessels for an infraction of the Treaty, we therefore did not think it advisable, without further instructions, to interfere more in the business in question, conceiving that, if any thing could be effectually done in it, that it could not be in better hands than those of our present Minister.

Having replied to the queries contained in your letter, it may perhaps be expected, Sir, that I should add some comments upon its enclosure, having come so recently from the spot, and having the honour of holding one of the commissions therein alluded to.

That there have been abuses of the original intention, there is no doubt; and that some exist to this day, cannot, I fear, be denied: but my experience will not allow me to admit that it goes to the extent contained in the extract before me, the writer of which has evidently taken up the vague report of the city, without having been at the pains to inform himself how far it was founded in fact.

That one of the emancipated slaves should have been offered for sale in his presence, at this time of day, when they can all speak the language, and know perfectly well that they are free, though they have a certain period to serve, is, I own, passing strange, and such as I never yet heard of; and I think it is much to be lamented that the Englishman who witnessed it, did not make an example of such an atrocious attempt.

In order to show how vague, though I fear not unfounded, the report in question is, it will be necessary to point out a few errors into which the writer has fallen.

He speaks of *two* cargoes of slaves having been emancipated at Rio, whereas there never was more than *one*.

He assumes that they all are still slaves, and that they will probably remain so.

Some, unhappily, may have been re-doomed to slavery; but where is the proof of it? Many of them are no more slaves now, than they were the day they received their emancipation; and where they have fallen into good hands,—and some there are, to my knowledge, in very respectable ones,—are no more slaves than apprentices in any country who gain their livelihood by manual labour, and I trust will be forthcoming to receive their final liberty in October, 1835.

He erroneously supposes that the Commissioners received the fees for the apprentices, and that the whole arrangement and care of the negroes, from the emancipation, devolved upon them, whereas it was unfortunately just the contrary,—from that day they were taken out of their hands.

He says he daily sees them working in the streets;—it would be strange if he did not, when fifty of them were apprenticed to the Police, and were employed in paving, and lighting, and cleaning the streets. Some others, too, to my knowledge, are working in the streets on their own account, having been given up by their masters, and if not abandoned characters, are, it appears, allowed to gain an honest livelihood as free men. Some of them have, for disorderly conduct, and crimes, been made to work in chains with other criminals.

With regard to the writer's closing query, Why the Commissioners did not look after this?

I can assure him, I have often lamented that the power was not in the first instance placed in our hands to lend our feeble aid to prevent the abuse which, I was ever apprehensive, would arise, and which, to a certain extent, I don't deny does exist, and always must continue, as long as improper persons have the superintend-

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ence; but, judging from the supineness of these persons at the present time, in collecting their annual fees, and in looking up those that may be at large, I conclude that their day of abuse and harvest must be in great measure gone by.

I believe I stated in a letter to the Foreign Office, soon after these very slaves were emancipated, that I had, jointly with my Portuguese colleague, volunteered to the existing local authorities, gratuitously to take upon ourselves the management of their distribution and superintendence, which was refused, and the strict letter of the Alvara served as their guide.

Should this explanation not sufficiently answer Lord Aberdeen's purpose, or should you, Sir, think it desirable to call my notice to any other points of this much-to-be-lamented case, it will be my duty, as well as my earnest desire, to give to them my prompt and best attention.

I have, &c.
(Signed) HENRY HAYNE.

J. Backhouse, Esq.,
&c. &c. &c.

Fifth Enclosure in No. 52.

Mr. Cunningham to Mr. Backhouse.

SIR, *Rio de Janeiro, May 19th,* 1830.

I HAVE the honour to acknowledge the receipt of your letter, dated February 27th, 1830, enclosing copy of an extract of a letter which had been communicated to Lord Aberdeen, from Rio de Janeiro; and desiring me, with reference to the Despatch from Mr. Hayne and myself, of the 20th November, 1826, to report to you, for his Lordship's information, what steps I had taken, or what information I had obtained from the Government of Brazil, since the date of the communication, upon the subject of the treatment of slaves emancipated under the Decrees of the British and Brazilian Court of Mixed Commission at Rio de Janeiro.

In compliance with Lord Aberdeen's commands, I lost no time after the receipt of your letter, in applying, by letter, dated 7th May, copy of which I have now the honour to enclose, to Mr. Aston, His Majesty's Chargé d'Affaires at this Court, and requested of him to inform me whether the Brazilian Government had ever taken any measures, in furtherance of the intentions signified to Mr. Gordon in the Marquis of Inhambufe's note of November 6, 1836; and, if not, I trusted he would have the goodness to urge His Imperial Majesty's Government to make such inquiries as might lead to a refutation of the circumstances stated to have taken place in the extract of the letter communicated to Lord Aberdeen; and also to a due performance of the engagements entered into for the present welfare and future maintenance of such emancipated blacks as are remaining in limited servitude; many having freed themselves by running away, and working for their livelihood, thereby forfeiting their claims to such sums as should have been collected and paid them, at the end of fourteen years.

I have now the honour to enclose you a copy of Mr. Aston's reply, in which he informs me that it does not appear that any definitive answer has been received from this Government, and that he will therefore not fail to bring the subject again before the Brazilian Minister for Foreign Affairs, and duly communicate to me the result, which, when received, I will lose no time in transmitting to you, Sir, for Lord Aberdeen's information.

I have, &c.,
(Signed) ALEXANDER CUNNINGHAM.

J. Backhouse, Esq.,
&c. &c. &c.

Sub-Enclosure A.

Mr. Cunningham to Mr. Aston.

SIR, *Rio de Janeiro, May 7th,* 1830.

LORD Aberdeen having directed Mr. Backhouse, the Under Secretary of State for Foreign Affairs, on the 27th of February, 1830, to send me the extract

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of a letter which had been communicated to his Lordship from Rio de Janeiro, dated 17th of December, 1829, copy of which I have now the honour to enclose you, and being further directed, with reference to the Dispatch from Mr. Hayne and myself, of the 20th of November, 1826, enclosing a copy of our letter dated 31st October, 1826, to the Right Hon. Robert Gordon, His Majesty's Envoy at this Court, to report, for Lord Aberdeen's information, what steps had been taken, or what information had been obtained from the Government of Brazil, since the date of our communication, upon the subject of the treatment of slaves emancipated under the Decrees of the British and Brazilian Court of Mixed Commission at Rio de Janeiro; I have therefore the honour to request of you to inform me whether the Brazilian Government has ever instituted any measures in furtherance of the intention signified to Mr. Gordon, in the Marquis Inhambufe's note of November 6th, 1826, in order to give effect to the law, according to its true spirit, in the manner in which Mr. Gordon expressed himself on the 6th of November, 1826; and if not, I trust, Sir, you will have the goodness to urge His Majesty's Government to make such inquiries as may lead to a refutation of the circumstances stated to have taken place, in the extract of the letter communicated to Lord Aberdeen, and to a due performance of the engagements entered into for the present welfare and future maintenance of such emancipated blacks as are remaining in limited servitude, many having died, and a great number having freed themselves by running away, working for their own livelihood, and thereby forfeiting their claims to such sums as should have been collected and paid to them at the end of fourteen years.

I have, &c.

(Signed) ALEXANDER CUNNINGHAM.

A. Aston, Esq.,
His Britannic Majesty's Chargé d'Affaires,
Rio de Janeiro.

Sub-Enclosure B.

Mr. Aston to Mr. Cunningham.

SIR, *Rio de Janeiro, May 17th,* 1830.

I HAVE the honour to acknowledge the receipt of your letter of the 7th instant, requesting to be informed whether any measures have been taken by the Imperial Government in furtherance of the representation addressed by His Majesty's Minister at this Court to his Excellency the Marquis of Inhambufe, November 6th, 1826, respecting the abuses existing in the execution of the laws relating to slaves emancipated by virtue of the Convention of 28th July, 1817.

It does not appear that any definitive answer has been received from this Government, and I shall therefore not fail to bring the subject again before the Brazilian Minister of Foreign Affairs, and shall duly communicate to you the result.

I have, &c.

Mr. Cunningham, (Signed) ARTHUR ASTON.
&c. &c. &c.

Sixth Enclosure in No. 52.

No date.—(*Received July 27th,* 1830.)

MR. CUNNINGHAM takes the liberty of handing the following observations, on the extract of the letter communicated from Rio de Janeiro to Lord Aberdeen, to Mr. Backhouse.

In the first place, the brig "*Emilia*" was the only vessel brought into Rio de Janeiro for adjudication, under the Treaties between Great Britain and Portugal for the prevention of illicit traffic in slaves, and not any have been detained and sent in subsequent to the Treaty entered into between Great Britain and the Brazils, dated 23rd of November, 1826, therefore it is not true that *two* vessels were sent in for trial to the Mixed Commission established at Rio de Janeiro.

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2ndly. The negroes emancipated by the Mixed Commission, brought in the Prize "*Emilia*," were given over, as stipulated, to those authorities appointed by the Portuguese Government, and let out according to their age and abilities, by public auction, at from 9 to 34 milrees per annum, for 14 years, which price was considered at the time and the rate of exchange to be a very fair one.

3rdly. If any of the emancipated blacks are gone to the mines, they were either taken up by those who had hired them, and ought to be called upon to give an account of their present state, or they ran away, and have thereby freed themselves, and consequently forfeited their claim to all accumulation of annual hire.

4thly. If the person who stated that he was on board the "*Georgiana*" at the time of the *Emilia's* capture, did see any of the negroes taken in her working in the streets, it was on their own account; and of course they may be said to have liberated themselves, while those who have hired them did not choose to be at the trouble and expense of recovering them, if they were bad subjects; and several of the women have done so by marrying free men, and their emancipation has been granted.

Lastly. No credit can be given to the assertion that the writer of the communication saw some of the emancipated negroes offered for sale; for it cannot be believed he could remember or identify any individuals out of 369 blacks, resembling each other very much, who were landed from the "*Emilia*," and who bear a strong resemblance to hundreds of their Minas countrymen previously brought into this province.

It is true that the Commissioners have a certain salary, and their correspondence with Her Majesty's Ministers, Sir Charles Stuart and the Right Hon. Robert Gordon, copies of which have been transmitted to the Foreign Office, prove that they did look after and interest themselves in the welfare of those liberated under their adjudication.

I have also to observe that about 50 of the blacks in question were from the first hired by the police, and have no doubt been employed, in various ways, about the city; and several of them have been sentenced to work in chains, as a punishment for the crimes they committed.

No. 53.

Her Majesty's Commissioners to Viscount Palmerston.—
(*Received February* 6, 1839.)

My Lord, *Rio de Janeiro, December 12th*, 1838.

We have the honour to inform your Lordship, that Lieutenant Heseltine, of Her Majesty's sloop "Electra," arrived in this port on the 8th instant, in charge of a brigantine called the "*Diligente*," detained by Commander Preston, under Portuguese colours, on the 1st instant, in lat. 16° 38′ South, and long. 29° 54′ West, and having on board 302 slaves.

A Copy of the Commander's Declaration, which, with the Papers belonging to the brigantine, Lieutenant Heseltine has this day brought into Court, we have the honour to enclose herewith.

We have, &c.
(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 53.

Captor's Declaration.

I, William Preston, Commander of Her Britannic Majesty's sloop "Electra," hereby declare, that on this 1st day of December, 1838, being in South latitude 16° 38′, and West longitude 29° 54′, I detained the schooner named the "*Diligente*," sailing under Montevidean colours when first seen, and under Portuguese when captured, armed with three guns, commanded by Emigdio Ribeiro da Silva,

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who declared her to be bound from Benguela to Rio Janeiro, Montevideo, and Mozambique, with a crew consisting of 14 men, Joaquim Pedro de Freitas, supercargo, and having on board 302 slaves, said to have been taken on board at Benguela about the 30th day of October, 1838, and are enumerated as follows; viz.

	Healthy.	Sickly.
Men	171	1
Women	4	
Boys	60	9
Girls	33	24
Total	302	

I do further declare, that the said schooner appears to be seaworthy, and was supplied with a sufficient stock of water and provisions for the support of the said negroes and crew on their destined voyage to Rio de Janeiro.

(Signed) WILLIAM PRESTON, *Commander.*

Witness,— A. SANDERSON, *Surgeon.*
E. WILLIAMSON, *Purser.*

No. 54.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, February 20th,* 1839.

WITH reference to that part of your Despatch of the 14th of July, 1838, in which you state that British merchants are concerned, and British capital is employed, in Brazil, in Slave Trade; I have to desire, that you will collect and transmit to me all the information you can obtain, with a view to facilitate the identification and prosecution of such persons as may be concerned in these transactions.

I am, &c.
(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

No. 55.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, March* 13, 1839.

I REFERRED to the proper Law Adviser of the Crown your several Despatches on the question, whether the proceeding, called an Embargo, should be allowed to take place with regard to sentences passed by the Mixed Court of Commission at Rio de Janeiro; and, in accordance with the view taken of this question by Her Majesty's Law Adviser, I have now to acquaint you, that Her Majesty's Government see no reason to depart from the opinion which they have already expressed upon this point: it will, therefore, be your duty to adhere to the instructions which were given to you by me, under date of the 26th of March, 1836, and you will consequently not allow the practice of Embargoes to continue in the Mixed Court of Commission of which you are members; but you will insist that a sentence once given by the Court shall, as the Treaty directs, be final and without appeal.

I am, &c.
(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

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No. 56.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received March* 21.)

My Lord, *Rio de Janeiro, January 5th,* 1839.

In pursuance of the 75th Clause of the Act passed in the 5th year of the reign of his late Majesty George IV., entitled, "An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade," we have the honour to report to your Lordship that two vessels, said to be Portuguese, viz., the "*Diligente*" and the "*Feliz*," the former detained by Her Majesty's sloop "Electra," the latter by Her Majesty's brig-of-war "Wizard, have been brought into this port, between the 5th of July, 1838, and the present date, for adjudication by the Mixed British and Brazilian Court of Commission, established in this city; the proceedings in which cases are still before the Court.

We have, &c.

(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 57.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received March* 21.)

My Lord, *Rio de Janeiro, 7th January* 1839.

We have the honour to acknowledge the receipt of your Lordship's Despatch of the 6th October last, enclosing a certified extract from the log kept by Lieutenant Graham E. Hammond, of Her Majesty's sloop "Rover," while in charge of the "*Flor de Loanda*," containing information as to the number of deaths, which took place among the negroes on board that vessel, up to the date of the "Rover's" departure from Rio de Janeiro.

We did not fail to lay the extract in question before our colleagues, and it has been appended to the proceedings, in the case of the "*Flor de Loanda*," for any further reference which may be requisite.

We have, &c.

(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 58.

Her Majesty's Commissioners to Viscount Palmerston (*Received March* 21*st.*)

My Lord, *Rio de Janeiro, January* 15*th,* 1839.

Referring your Lordship to our Despatch of the 12th December of last year, reporting the detention, by Her Majesty's sloop "Electra," of a brigantine called the "*Diligente*," we have the honour to enclose herewith, in original and translation, the sentence of the Court, delivered on the 10th instant, condemning that vessel and emancipating the slaves.

Our report of the case also accompanies this, by which it will be satisfactory to your Lordship to observe that the Brazilian Commissary Judge joined Her Majesty's Judge, without any difficulty, in this sentence.

A long argument was presented to the Court in support of the claim, on behalf of this vessel for restitution, on the ground of her being exclusively Portuguese property, which it may eventually become proper to lay before your Lordship; at present it does not appear to be necessary, nor to add anything in this Despatch to

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what is already submitted, except that this vessel is the first we have found with a certificate of register on board, and that it was precisely on the declaration therein made, viz., that the owner was resident at Rio de Janeiro, that under your Lordship's instructions, arising out of the case of the "*Maria da Gloria*," this vessel has been condemned.

We have, &c.

(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 58.

(Translation.) *Sentence.*

THE present proceedings being examined in respect to the brig called "*Diligente*," detained by Her Britannic Majesty's sloop "Electra," William Preston, Commander, on the 1st of December last, in lat. 16° 38′ South, and long. 29° 54′ West, for having 302 Africans on board, it is seen that this vessel, now under one denomination, now under another, now figuring as the property of one owner, and now of another, has been employed, for several years past, in trading between the port of Rio de Janeiro and the coast of Africa, up to the month of August, 1837, when she appears to have been sold at Angola to Joaquim Pedro de Freitas, a Portuguese subject, who thereupon repaired to this city, fitted out and loaded the brig, and sent her on a voyage to that port, under the direction of her present Master and Mate, causing her to be registered there as his property, in conformity with the maritime code of Portugal, ordered to be observed by the Decree of the 17th December, 1836.

This document, which is certainly the most authentic proof of the national character of this brig, and that the above-mentioned Freitas is her owner, is precisely the document which declares the residence of Freitas to be in this city; a fact which, coupled with the finding of Africans on board, although under the specious pretence of their being colonists for Mozambique, the which can never deserve the slightest credit, affords every presumption that her destination was really that of bringing these wretched creatures to be thrown on some point of Brazil, for the inhuman and prohibited traffic in slaves; a presumption which is further corroborated by the marks found on the Africans themselves, serving, as usual, to indicate the persons to whom they belong.

It is shown that this brig, having been despatched at Angola, in ballast, for the port of Mozambique, to touch at those of this city and of Montevideo, after having been two months at sea, without any log or other document being produced to account for the putting into Benguela, appeared there, receiving, in spite of the orders of the Portuguese Government, the Africans above mentioned, with whom the brig was proceeding to Brazil. Without inquiring, therefore, into the truth or the falsehood of the sale latterly made of this vessel, on account of the suspicion arising from the difference of price between three contos of reis, for which she was sold in 1836, and the reduced price of one conto, six hundred milreis, for which it is said she was sold in the last instance; and without adverting either to the infraction of the bond given to take no other cargo than water as the ballast referred to in the several clearances, or to the many other frauds, affording, if not complete proof, at least every presumption that the whole of this transaction is no other than a complete contraband carried on, in all probability, on account of Brazilian subjects residing in this city, as indeed is publicly reported, the Commissary Judges, on the single ground that this vessel was fitted out and laden here by the said Joaquim Pedro de Freitas—that his residence is here, as is positively declared in the certificate of the register above mentioned, and as the Master and Mate deposed, and thus comprehended in the instructions addressed to this Commission, in virtue of which it is invested with the necessary authority to take cognizance of, and adjudge, all vessels which, in such circumstances, are employed in the illicit traffic in slaves—deem the detention of the brig-schooner "*Diligente*," seeing what has been stated, to be valid, and condemn it, its equipment, and whatever cargo may be on board, besides the Africans, as good prize to Her Britannic Majesty's sloop "Electra;" and declare the Africans now in existence, in number 246, to be emancipated and placed at the disposal of the Imperial Government: the

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whole in virtue of the conventions of the 28th July, 1817, and 23rd November, 1826, of the Instructions referred to, and of the 7th Article of the Regulations annexed to the former of the said Conventions.

(Signed) JOAO CARNEIRO DE CAMPOS.
GEO. JACKSON.

A true copy.

(Signed) BRAZ MARTINS COSTA PASSOS,
Secretary.

A true translation.

(Signed) JOHN BAPTISTE COSMELLI,
Interpreter ad hoc to the Mixed Commission.

Rio de Janeiro, 10th January, 1839.

Second Enclosure in No. 58.

Report of the case of the Brig-Schooner "Diligenté."

THIS is the first vessel that has come before the Court with the certificate of register enjoined by the Portuguese Decree of the 17th December, 1836.

In the following year, having been sold at Loanda by one subject of Portugal to another, Joaquim Pedro de Freitas, and having found her way to the coast of Brazil, whether direct at once to this port or to any other does not appear, she was fitted out and despatched by that individual, in January, 1838, with a passport from the Portuguese Consul-General at Rio de Janeiro, for a voyage to the Cape de Verd Islands and the coast of Africa. With this passport she proceeded direct to Angola; and the above-mentioned Decree having been promulgated in that province on the 20th June last, she was duly registered in conformity thereto.

This register, bearing date 9th July, 1838, declares the "*Diligenté*" to be Portuguese built, and her owner, Joaquim Pedro de Freitas, to be resident at Rio de Janeiro. With this document on board, she appears to have sailed from Loanda in that month, with a passport from the then Governor, Manoel Bernardo Vidal, for Mozambique, to touch at Rio de Janeiro and Montevideo. This passport declares both her owner and Captain to be subjects of Her Most Faithful Majesty, Donna Maria II., but says nothing of any cargo.

Her clearances, however, state her to be in ballast, with 18 pipes of fresh water, and 33 casks of salt water.

From July to September we have no other notice of her than an incidental admission of her Captain, that she was at Benguela in the end of August. No log or protest whatever appears to account for the interval; but, on the 26th September, she appears, by a *visa* of her original passport by the Governor of Benguella, Antonio Manoel Nogueira Campos, to be at that port, on pretext of having sprung a leak; and by a licence to pass the fortress, signed by the Lieutenant-Governor, F. Cangas, to have sailed again from thence on the 31st October.

On the 1st December, she was detained, sailing under Montevidean colours, when first seen, and under Portuguese, when captured by Her Majesty's sloop "Electra," William Preston, Commander, in lat. 16° 38′ south, long. 29° 54′ west, having on board 302 slaves.

These slaves, it appears by a Letter of Orders, dated Benguela, 31st October, 1838, and signed by the owner of the "*Diligente,*" Joaquim Pedro de Freitas, were received on board, on leaving that port, to be taken, as colonists, to Mozambique, touching at Montevidean, and at Rio de Janeiro, only in case of extreme necessity.

On the 12th December, the declaration of the Captor, together with the ship's papers, were received, and sworn to before the Court, by Lieutenant Albert Heseltine, to whose charge Commander Preston had committed the prize, and the usual monition having issued, according to the practice of this country, the examination of the only two white individuals on board the "*Diligente*" (the others having been carried on to England by Commander Preston) commenced.

The first witness, Emigdio Ribeiro da Silva, swore, that he is a native of Lisbon, and subject of Her Most Faithful Majesty, that he is the Captain of the "*Diligente,*" that he was appointed to the command in December 1837, by the Owner, Joaquim Pedro de Freitas, then residing at Rio de Janeiro; that the vessel sailed

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with a passport from the Portuguese consul, for the Cape de Verds, and the coast of Africa, and that no other person than the aforesaid Joaquim Pedro de Freitas, had any interest either in the vessel or in the adventure; that he had no intention of landing the Africans on the coasts of Brazil, and that the "*Diligente*" was bound to Moçambique with the colonists, in conformity to his letter of orders, although he admitted that she sailed from Loanda in ballast.

The second witness, Joaõ Raimundo Pereira, who is said in the muster-roll, to be born at Lisbon, swore that he is a subject of Portugal; that he was appointed, at Rio de Janeiro, in January, 1838, pilot to the "*Diligente*," by her owner, Joaquim Pedro de Freitas, then residing there; that the "*Diligente*" was bound, in ballast, to Moçambique, to touch at Montevideo and Rio de Janeiro, but that, having put into Benguela, it was then the negroes were received on board, without his being told for what purpose; that he had known this vessel for two or three years, and that she had always sailed under the Portuguese flag.

In the course of the examination of this witness, it further appeared that he had been in the naval service of Brazil; and that, though described in the muster-roll as a bachelor, he was, in fact, married to a Brazilian, and that he lived in the province of Rio de Janeiro, where he left his family when he embarked on board the "*Diligente*" for Africa.

A claim was filed by the Captain, Emigdio Ribeiro da Silva, on behalf of the reputed owner of the "*Diligente*," Joaquim Pedro de Freitas, praying for her release, as Portuguese property, as proved by the passport, and other documents, with which she sailed, and denying the competency of this Court, in consequence, to take cognizance of her; but the Commissary Judges, taking their stand on the certificate of register, which declared the owner, Joaquim Pedro de Freitas, to be a resident at Rio de Janeiro, and on the fact of his having fitted out the vessel in this port, condemned, on the 10th January, 1839, the "*Diligente*" as Brazilian, under the instructions addressed to this Commission in 1834-1835, respecting temporary subjects, and emancipated the surviving slaves, in number, 246; 55 having died, and 1 being missing since capture.

(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

Rio de Janeiro, 10th January, 1839.

No. 59.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received March* 21.)

My Lord, *Rio de Janeiro, January 16th*, 1839.

Your Lordship will observe, that, in the sentence of the Court on the "*Diligente*," no mention is made of the individuals captured on board, and implicated in that transaction, they being all Portuguese, and the Commissary Judges not deeming themselves authorized, in virtue of the instructions under which this vessel has been condemned,—the first case of the kind that has occurred,—to declare them guilty of piracy; as would have been done, had the individuals in question been subjects of Brazil, or of Great Britain.

In the enclosed translation of a letter from the Brazilian Commissioner to his Government, which he has communicated to us confidentially, your Lordship will see the view taken by the Court of this question, as well as the course adopted by them; which we have communicated to Her Majesty's Chargé d'Affaires, in case the subject should come under discussion between that gentleman and the Brazilian Government.

We may observe, that the question, as put in the above letter, is rather loosely worded; the point being, not what individuals should be included in the sentence, but whether any, other than Brazilian subjects, were liable to be so, in virtue of the principle established by the aforesaid instructions.

The question, however, is mainly important upon principle, there being little doubt that any person whatever declared guilty by the Commission, would assuredly be acquitted by a Brazilian Jury, whatever his country; unless, indeed, in the case—we trust, not to be supposed—of an English subject, when a jury would be no less sure to wreak their vengeance on the victim, for the anxiety of his nation

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and Government to suppress a trade, on the continuance of which they believe their existence to depend.

It may not, perhaps, be improper here to remark—though we do not ourselves attach the importance to the circumstance which it appears to have merited from others—that a threat has been held out to Mr. Stevenson, the gentleman who, in former cases, has been employed on the part of British captors, that, if he interfered, in any way, in the cases now before the Court, he would certainly be waylaid and murdered. The consequence has been, that the Prize-masters have done no more than bring their papers into Court, and that they have been left without any professional assistance whatever.

(Signed) GEORGE JACKSON.
FRED. GRIGG.

P.S. On reflection, we think it incumbent upon us to add, that the want of assistance above alluded to, has been supplied by Her Majesty's Consul, with a zeal tempered only by the recollection of the contingent relation he stands in towards this Commission, and with all the activity which his other avocations admit of.

(Signed) G. J.
F. G.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure No. 59.

(Translation.) *The Brazilian Judge to the Brazilian Minister.*

SIR, *Rio de Janeiro, January 10th,* 1839.

I HAVE the honour to lay before your Excellency the enclosed copy of the sentence pronounced by the Mixed Commission in the case of the brig "*Diligente,*" lately captured by Her Britannic Majesty's sloop "Electra," for having Africans on board.

The Commission having given this sentence in conformity with the Instructions of the 15th December, 1834, ordered to be observed by the Portaria of the 29th October, 1835, but not considering the said Instructions to extend to the declaring also what individuals are implicated in this illicit traffic, to include them in the said sentence; the Court has judged it expedient that I should lay before the Imperial Government the names of such individuals, in order that the said Government may determine respecting them what it shall think fit; viz.:—

Joaquim Pedro de Freitas, who calls himself a Portuguese, and owner of the aforesaid vessel; Emigdio Ribeiro da Silva, Master; Joze Raimundo Pereira, Mate; and Manoel de Carvalho, Boatswain of the same—

All Portuguese; the Mate, however, being married here, and residing in this province, and who, having been sent to the Marine Hospital for medical treatment, is known to have made his escape from thence.

God preserve your Excellency.

(Signed) JOAO CARNEIRO DE CAMPOS,
Brazilian Commissary Judge.

To his Excellency Antonio Peregrino Maciel Monteiro,
&c. &c. &c.

No. 60.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, March 22nd,* 1839.

I BEG to refer you to your report, upon the several slave vessels adjudicated by the Mixed Court of which you are members, and to point out to you, that the abstract of facts and circumstances therein given is not sufficiently ample, and does not contain the information necessary to enable Her Majesty's Government to form a sure opinion upon the merits of each case respectively.

I have to desire that you will, on all future occasions, transmit to this office a translation in full of the deposition made by each witness examined before the

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Court, together with copies or translations of every paper which may, on each case, have been laid before the Commissioners, and a statement of the argument which may have been given by each member of the Court, in illustration of his view, and in support of his decision.

I am, &c.
(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

No. 61.

Her Majesty's Commissioners to Viscount Palmerston.—(Received April 8.)

My Lord, *Rio de Janeiro, January 22nd,* 1839.

Mr. Ouseley has communicated to us an extract from the log of Her Majesty's ship "Herald," from which it appears that Captain Nias, of that ship, on his late passage to this port, boarded a vessel under Brazilian colours, fitted out for the Slave Trade.

As Her Majesty's Government has, doubtless, full knowledge of this circumstance, we notice it only in consequence of the understanding which we are led to believe exists in the service, and which the non-detention of the vessel by Captain Nias would seem to accredit, that Brazilian slave-vessels cannot be captured except with slaves on board.

This opinion, my Lord, we hold to be erroneous, and that the Convention of the 23rd November, 1826, gives this Commission every requisite authority to take cognizance of and adjudge any Brazilian case of Slave Traffic whatsoever, whether the vessel be detained with or without slaves on board. That this Government acquiesces in this view of the question, is evident from the fact, that, in several instances, vessels without slaves on board, but in which Brazilian subjects were interested, wholly or in part, have been captured and brought before this Commission. For example—

The "*Pacquete do Sul,*" in 1834, captured by His Majesty's sloop "Satellite."

The *Dous de Março,*" also in 1834; the *Aventura,* in 1835; captured by Brazilian ships of war.

The "*Vincedora,*" in 1836, captured by His Majesty's sloop of war "Hornet."

Three of these were taken under Portuguese, and one, the "*Dous de Marco,*" under Brazilian colours. Two were condemned, the "*Pacquete de Sul*" and the "*Aventura;*" and of the remaining two, one was released, and the other restored; the first, however, on the ground only of her being exclusively Portuguese—a sentence in which Her Majesty's Commissary Judge was overruled; the second solely because she had been detained by a ship of war, Her Majesty's branch packet, unfurnished with the requisite instructions.

The difficulty has hitherto been to prove the existence of Brazilian interest, and to tear off the Portuguese mask; but this is considerably diminished by your Lordship's instructions of the 30th April last; and, as we had the honour of stating in our Despatch, acknowledging those instructions, we have little doubt that the greater number of vessels which are daily leaving the coast for Africa would be found, on detention, to be liable to condemnation. The misfortune is, that we have so few cruizers employed in this service; and that when a vessel is taken, from the impunity with which the traffic is carried on, the case is considered and denounced as one of individual hardship; a cry in which the commercial community, with scarce an exception, is ready to join.

We have, &c.
(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston. G.C.B.,
&c. &c. &c.

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No. 62.

Her Majesty's Commissioners to Viscount Palmerston.—(Received April 8.)

MY LORD, *Rio de Janeiro, January 22nd, 1839.*

The sentence of the Court, in the case of the "*Diligente*," had no sooner been intimated to the parties, than the proctor, on behalf of her master, petitioned to be allowed to present embargoes to that sentence.

The Brazilian Commissary Judge pressed for their admission on the ground so often insisted on, namely, that till some fresh agreement shall be concluded between the two Governments, this resource cannot, by the laws of Brazil, be denied.

Her Majesty's Commissary Judge could only repeat his former arguments, and adhere strictly to his determination, recorded on admitting embargoes in the case of the "*Brilhante*," not, thence forward, to be in any way a party to their future admission.

Ten days being allowed by the Decree for the presentation of embargoes, and the Proctor having petitioned for leave to offer them, it became a question of some nicety to agree upon such a reply as should not commit, or militate against the opinion of either of the Commissary Judges.

After some discussion, it was agreed to intimate to the Proctor, that a difference of opinion existing between the Commissary Judges respecting the admission of embargoes to the sentences of the Commission, he might apply to whom he thought proper.

In a few days, after fruitlessly renewing the attempt to obtain the admission of his embargoes, the Proctor published, in the public papers, a petition to His Imperial Majesty to issue orders to the Commission to receive them, and yesterday the Brazilian Commissary Judge presented a Protest against the refusal of his colleague, a Copy and Translation of which we have the honour to enclose herewith, as also of a Counter Protest which Her Majesty's Commissary Judge has deemed it his duty to offer thereto.

We have only further to assure your Lordship, that no exertion has been wanting, on our part, to bring this question to a satisfactory conclusion; but we fear that no progress can be made in it till the receipt of instructions from your Lordship.

We have not failed, however, to keep Her Majesty's Chargé d' Affaires fully informed of what has passed, and we are happy to be able to state that the Negroes are more healthy than we have known them to be on any former occasion, particularly those captured by the "Wizard."

We have, &c.

(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 62.

(Translation.) *Protest.*

THE ten days since the publication of the first Sentence of this Commission respecting the brig "*Diligente*," in which, according to Brazilian legislation, the embargoes which that legislation permits to parties should be decided and adjudged, having this day expired, and the said embargoes not having been admitted, on account of the reluctance evinced by the British Commissary Judge in his opposition to such a resource, insisting on the execution of the first Sentence, without allowing the said embargoes to be offered, a pretension this which, not being comprehended in the existing treaties between the Governments of Brazil and Great Britain, is dependent either on a new arrangement between the two Governments, or on an alteration of the legislation of the country, the which, according to the system of the Brazilian Government, cannot take effect without the intervention of the legislative body. The Brazilian Commissary Judge, not having been able to induce his colleague to concur in continuing to observe the practice hitherto followed even by this Commission, of admitting, and deciding such embargoes and considering that not only a great addition to the expense of the maintenance of the Africans, and of the charge of the vessel, must necessarily result from the

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delay in the failure of the execution of the sentence in question, which cannot take effect without the formalities of the law being duly satisfied, but also a great mortality among these unfortunates, particularly affected as they are with small-pox, finds himself under the painful necessity of protesting, as he does solemnly protest, not only against the want of observance of the legislation of the country by which this Commission has hitherto been regulated, but for all expenses which, from this day forward, may be incurred on account of the above mentioned Africans, in order that his Government may not, by a circumstance in which it has no part, have to satisfy such expenses, nor be responsible for the injuries and losses which may accrue, as well in the above mentioned brig as in its respective cargo.

(Signed) JOAO CARNEIRO DE CAMPOS,
Brazilian Commissary Judge.

A true Translation,
JOHN BAPTIST COSMELLI,
Interpreter ad hoc to the Mixed Commission.

Rio de Janeiro, 21st January, 1839.

Second Enclosure in No. 62.

(Translation.) *Counter Protest.*

HAVING reflected on the Protest presented yesterday by his illustrious colleague with all the attention which the importance of the subject and the respect due to the acknowledged intelligence and straight-forward character of its author demand, the British Commissary Judge can add but little in confirmation of the view he takes of this question to what he has already often had the honour of submitting respecting it.

He pretends not, therefore, to re-open the argument, but simply to remind his worthy colleague that this Commission is a special and exceptional tribunal, and that not only is it not regulated by Brazilian Legislation, but that, by the Third Article of the Convention of the 28th July, 1817, it is expressly stipulated that the legislation of Portugal (Brazil) shall be assimilated as much as possible (in matters tending to the suppression of the traffic in slaves) to that of Great Britain; that in conformity to this stipulation, the Commission is required, by the First Article of the Regulations, to decide (as far as may be practicable) within the space of 20 days, to be dated from that on which every detained vessel shall have been brought into the port where it shall reside, an injunction which embargoes would render it impossible to obey, and that this principle would seem to have been so fully recognized by the "Despacho" given by this Court in the case of the "*Africano Oriental,*" and signed by his worthy colleague himself as Brazilian Commissary Judge; that among other reasons given for not receiving the embargoes offered in that case, it is declared that such reception would militate against the above recited First Article of the Regulations.

With these observations, and the assurance that he will lose no time in bringing the above Protest to the knowledge of his Government, the British Commissary Judge passes on to the distressing but no less imperative duty of offering his Counter Protest to that of the Brazilian Commissary Judge, a duty which he cannot perhaps better perform than in the very words—*mutatis mutandis*—employed by him.

Convinced, therefore, that the delay and other consequences dwelt upon by him in his Protest respecting the brig "*Diligente*" are solely to be attributed to the non-execution of the sentence duly pronounced on the 10th instant, the British Commissary Judge hereby solemnly protests, in the name of his Government, not only against the non-observance of the Convention under which the Court is instituted, but for all expenses which from this day forward may be incurred on account of the above mentioned Africans, in order that his Government may not by a circumstance in which it has no part have to satisfy such expenses, nor be responsible for the injuries and losses which may accrue, as well in the above mentioned brig as in its respective cargo.

(Signed) GEORGE JACKSON.

A true Translation,
JOHN BAPTIST COSMELLI,
Interpreter ad hoc to the Mixed Commission.

Rio de Janeiro, 22nd January, 1839.

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No. 63.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received April* 19.)

My Lord, *Rio de Janeiro, January* 31*st*, 1839.

The second slave vessel, mentioned in our Despatch of the 5th instant, viz., the brig-schooner "*Feliz*," detained by Her Majesty's brig of war "Wizard," Lieutenant Birch, Commander, on the 27th December, 1818, declaring herself to be Portuguese, but having no colours hoisted, when first seen, was condemned by this Court as Brazilian property, and her then surviving slaves, 229 in number, emancipated in the usual form, on the 10th instant.

We have now the honour to enclose, in original and translation, the sentence of the Court, with our report of the case.

In drawing up the former, the Commissary Judges were unanimous; but, on the presentation of embargoes which the claimant offered, as usual, as soon as the sentence was intimated to him, the obstacle to the due execution of the sentence, arising out of that question, was again raised.

Further argument, on either side, being useless, the Commissary Judges have limited themselves to returning the same answer to the petition, which they had already given in the case of the "*Diligente*," and communicating the circumstance, the one to Her Majesty's mission, the other to the Imperial Government.

We have, &c.,

(Signed GEORGE JACKSON.
FRED. GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 63.

(Translation.) *Sentence.*

The present proceedings being examined, it is seen that the brig-schooner "*Feliz*," formerly the Sardinian patacho "*Susanna*," was sold in this port on the 10th September, 1836, to Manoel Jozé de Carvalho, a Portuguese subject residing here, who gave her the name which she now bears.

It does not appear, by the papers annexed to these proceedings, what destination he gave her from that time to July, 1838; but it is shown that, in that month and year, he despatched her from this port for the Cape de Verds and the ports of Africa, and that, reaching Benguella, she sailed from thence, in December following, with a cargo of 242 Africans, who, under the title of colonists, it is pretended were shipped, by Jozé Joaquim Ferreira, for Mozambique, to touch at this port of Rio de Janeiro, for which she was making when detained by the English brig-of-war "Wizard," on the 27th December last, in latitude 23° 59′ south, and longitude 43° 18′ west, for having then on board 236 of the above-mentioned Africans.

It is well understood that the sole purport of the Portuguese flag, under which all vessels sail from this port, destined for the inhuman traffic in slaves, is to cloak the fraud with which such speculations are managed as if belonging to Portuguese subjects, who barely lend their names to cover the real owners, for the most part Brazilian subjects residing here, of which the present proceedings afford abundant indication, not only from the different letters seized on board of this vessel, from individuals here established; in one of which, speaking of commissions, it is even recommended to endeavour to reach, if possible, the point of the bar; but also from the contradictions observable in the depositions, particularly in that of Joao Pedro Ferreira, who, having, on his first examination, asserted that, when he agreed for his passage on board of this brig, at Benguella, he did not know that she was to carry Africans, under the title of colonists, and had only knowledge of this by seeing them on board, and that, having left this for the coast of Africa in the year 1836, he remained there till the moment of his return from thence in the same, declared, on being shown, on a second examination, the "Jornal do Commercio," from which it appeared that he sailed from hence, as Captain, in this very vessel, in July, 1838, being unable to deny this fact, declared, that he gave up the command in Benguella, on finding that she was to carry Africans,

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contradictions so palpable as to cause well-grounded suspicion, not only that this individual is still the real master of this vessel, although another figures as such in the respective documents, but that he is the principal agent in the whole adventure, which probably belongs to subjects of this empire, as well because no credit can be given to the title of colonists, with which these unhappy Africans are invested, being in reality destined for the barbarous slave traffic, as appears as well by the marks which they bear, indicating the persons to whom they are addressed, by their coming in irons, and by other circumstances inconsistent with the treatment which they would receive, if, by chance, they had been shipped as colonists, as, by the fact that the letter of orders from the pretended freighter and shipper of the same is nothing more than a fresh subtlety to cover the object of this criminal speculation.

Seeing, then, what has been demonstrated, and without entering into a new and minute analysis for the purpose of discovering and bringing fully to light those really interested in this adventure, and attending only to the circumstance that this vessel was bought here, as is shown by the copy of the bill of sale annexed to these proceedings, by the Portuguese subject, Manoel Jozé de Carvalho, then resident in this city; that he here fitted her out, and sent her on a voyage to the ports of Africa, although he now pretends to prove, by a "justification," that his actual residence is in Africa, because, besides that a mere gratuitous "justification," and which is so easily obtained in such matters, is undeserving of consideration, and cannot, of itself, destroy the principal title to national character with which this vessel was navigated, namely, the certificate of register required by the commercial code of Portugal, and and which, under date of 28th November, 1838, expressly declares the said Carvalho to be residing in the city of Rio de Janeiro, there moreover exists an additional declaration, in the letter of orders, that the object of touching at this port was solely to receive from the owner of the brig some person who should take charge of the same at Mozambique; a declaration, which, being a continuation of the fraud which marks this whole transaction, is no less a convincing proof of the residence of the aforesaid Carvalho in this city.

The Commissary Judges, therefore, in virtue of the recent instructions addressed to this Commission, adjudge lawful the detention of the brig schooner "*Feliz*," and declare her to be a good prize to Her Britannic Majesty's brig-of-war "Wizard," and condemn her, with whatever cargo may be on board, besides the Africans, whom, to the number of 229 surviving, they declare to be free and emancipated; to be placed at the disposal of the Imperial Government; the whole in virtue of the conventions of 28th July, 1817, and 23rd November, 1826, of the aforesaid instructions, and of the 7th Article of the regulation annexed to the former of these conventions.

(Signed) JOAO CARNEIRO DE CAMPOS.
GEORGE JACKSON.

A true copy.
(Signed) BRAZ MARTINS COSTA PASSOS,
Secretary.

A true translation.
JOHN BAPTIST COSMELLI,
Interpreter ad hoc to the Mixed Commission.

Rio de Janeiro, 30th January, 1839.

Second Enclosure in No. 63.

Report of the case of the brig schooner "*Feliz*," condemned on the 30th January 1839.

This is the second vessel condemned by this court, in virtue of the instructions transmitted to it in 1834-5, on the subject of temporary residence, and in consequence of information derived from the certificate of register given to her on the coast of Africa, in pursuance of the commercial code of Portugal.

The "*Felix*" was sold at Rio de Janeiro, in 1836, by a Sardinian to a Portuguese subject resident there. How she was employed from that time to July, 1838, does not appear; but in that month and year, she was despatched from hence, with a passport from the Portuguese consul, for the Cape de Verds, and the coast of

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Africa, by the same individual, Manoel Jozé de Carvalho—and, in December following, was on her return voyage from Benguella, with a cargo of 236 Africans said to be bound, as colonists, for Mozambique, when she was detained on the 27th December 1838, by Her Majesty's brig "Wizard," Lieutenant Birch commander, in Lat. 23. 59. S. Long. 43. 18. W.

The documents, with which she was then navigating, were furnished by the Governor ad interim, and other authorities of Benguella, and declare her to be owned and commanded by subjects of Portugal, and to be bound, in ballast, for Mozambique, to touch at Rio de Janeiro, manifesting only thirty pipes of water, and some stone.

On the 5th January 1839, Lieutenant Birch personally appeared and made oath, before the court, to his declaration; and the usual monition having issued, according to the practice of this country, five witnesses were examined.

The first, Jozé Joaquim da Silva, sworn, that he was a Portuguese subject, and boatswain of the brig-schooner "*Feliz;*" that he joined her at Benguella, where he had recently arrived from Lisbon; that he was hired by Jozé Joaquim Ferreira, (a well-known slave-dealer at Benguella,) who freighted her from the owner, Manoel Jozé de Carvallo; that his agreement was to sail for Mozambique with colonists, first touching at Rio de Janeiro to land passengers, and obtain a supply of water and provisions, that the shipment of these colonists was permitted by the authorities at Benguella; that they embarked voluntarily, but that some came in irons, and that if they bore any marks about them, such marks must have been made in the interior of the country; that the "*Feliz*" was making for this port when first seen by the "Wizard," but that she attempted to escape, because they had been told that a pirate was on the coast, and that they mistook the "Wizard" for one.

The second witness, Sebastiaõ da Fonseca, swore that he was a subject of Portugal, native of Algarve; that he was hired by the owner of this vessel as pilot, when about to sail from hence in July, 1838; that on his arrival at Benguella he was discharged, but rejoined her when about to return to Rio de Janeiro. His testimony, on the other points, was the same as that of the preceding deponent.

The third witness, Joaõ Pedro Ferreira, who had already been before the court, as Master of the "*Dois de Marco,*" detained in 1834, swore that he was a native and subject of Portugal, that he had no knowledge of the owner of the "*Feliz,*" nor any concern in her cargo, that he came in her as passenger, believing she was to sail in ballast, and that it was not till afterwards that he knew of any Africans being shipped, which was done in open day, under the eyes of the authorities at Benguella; that, since 1834, he had given up the Maritime career, and that, in 1836, he had left this for Africa, were he had remained till his return in this vessel.

On a second examination, proof was produced of the falsehood of this statement, and that, on the outward voyage of this vessel, he had sailed from hence, in her, as captain.

This fact, which he at first attempted to deny, and other contradictions in his evidence, left no doubt that he was still the real captain of the "*Feliz,*" although another person was declared to be so in the passport.

He alleged ignorance of the owner, Manoel Jozé de Carvalho, he still persisted in declaring that he was appointed to the command by Antonio da Costa Ferreira, who then resided in Rio de Janeiro, but who repaired to Africa in this vessel.

The fourth witness, Joaõ Pereira da Costa, swore that he was a native and subject of Portugal, that he knew nothing as to the ownership of the "*Feliz;*" that he came in her as passenger from Benguella, where he agreed for his passage with Ferreira, who freighted the vessel; that he came to Brazil in 1829, and that the trade of barber which he carried on, not answering, he had repaired to the coast of Africa to trade, but not in Negroes. It was quite evident, however, from letters, &c. directed to him, and found on board, that he was very extensively concerned in this transaction.

The fifth witness, Antonio da Costa Ferreira, (who appointed the Captain to the command on the outward voyage,) swore that he is a native of Portugal; that he has been thirteen years in Brazil, and that he has resided in the country ever since, having been employed as clerk by different houses; that he shipped from hence as second Pilot of the "*Feliz,*" although ignorant of navigation, appointing Joaõ Pedro Ferreira captain, in July, 1838, by order of Manoel Jozé de Carvalho, who had bought the vessel, and was at Rio de Janeiro when she sailed; and that, falling

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ill on the coast, he agreed with Ferreira, at Benguella, to return in her as passenger.

A claim was presented by the Proctor of the Captain of the "*Felix*," denying the competency of this Court, and praying for the restitution of the vessel and cargo, and for compensation, on the two-fold ground, that they belonged to a Portuguese subject, and that, even admitting the principle of temporary residence, such principle could not apply in this case, inasmuch as the owner no longer resided in this empire, and protesting, therefore, against all concerned.

In support of this, the several Portuguese papers with which the "*Felix*" was sailing were adduced; but the Commissary Judges, looking only to the certificate of registry, which declared her owner to be resident at Rio de Janeiro,—confirmed as it is in this case by other internal evidence,—and on the acknowledged fact, that the individual so described, Manoel Jozé de Carvalho, fitted out this vessel himself in July, 1838, in this port, and sent her to the coast of Africa—condemned, on the 30th January, 1839, the "*Felix*" as Brazilian, and emancipated the surviving slaves, to the number of 229, seven having died since the capture.

(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

Rio de Janeiro, 30th January, 1839.

No. 64.

Her Majesty's Commissioners to Viscount Palmerston.—(Received April 8.)

My Lord, *Rio de Janeiro, February 4th*, 1839.

We have the honour to acknowledge the receipt of your Lordship's Despatch, 5th December, 1838, acquainting us that you had referred our several Despatches upon the subject of the slave-vessel "*Flor de Loanda*," to Her Majesty's Advocate-General, and that, under the circumstances adverted to by your Lordship, the Mixed Commission Court would have been justified in attributing a Brazilian character to the "*Flor de Loanda*," and in dealing with that vessel, and with the slaves on board, accordingly.

As such a case as that of the "*Flor de Loanda*" can never recur, we will not trouble your Lordship with a recapitulation of the grounds on which the Commissary Judges founded their sentence in that case; but we beg leave respectfully to remark, that the two main motives suggested in your Lordship's Despatch for condemnation of the "*Flor de Loanda*," and which formed the distinction between that vessel and the "*Brilhante*," were wanting in the former instance, namely, that derived from the certificate of registry, and from the passport required by the Decree of 10th December, 1836, the same not having been promulgated here till the 30th March, 1837, and, consequently, not till after the sailing of that vessel from hence, the Brazilian license to her to pass the forts bearing date the 9th of that month.

We have, &c.
(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 65.

Her Majesty's Commissioners to Viscount Palmerston—(Received April 8.)

My Lord, *Rio de Janeiro, February 5th*, 1839.

We have had the honour of receiving your Lordship's Despatch of the 5th December, 1838, in which you wish us to explain, with reference to the last paragraph of our Despatch of the 26th September of last year, "how and why" the various circumstances which have occurred, with regard to the "*Flor de Loanda*," since the final sentence of the Court on the 19th June, have been of a nature to do more harm to our cause, and to indispose even those most favourable to the suppression of the traffic, than any event within our recollection.

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In reply, we have the honour to state, that this observation made in our report, of the providential escape of the "*Flor de Loanda*" from a fate which was universally anticipated, if the intention of sending her again across the Atlantic were persisted in, had a two-fold reference—the one to the sufferings of the Africans, the other to the proceedings adopted towards her crew.

With regard to the first object, the mortality and misery which had already attended this unhappy cargo—destitute for a long time, during the most inclement season, not only of the necessaries, but even of the decencies, of clothing—were unexampled.

With respect to the second, it was thought, so soon as the incompetency of the Mixed British and Brazilian Commission in this case was declared, and the refusal both of the Imperial Government and of the Portuguese Consul to take charge either of the vessel or of the negroes was ascertained, that she should at once have been given up, or have been taken, without delay, to Sierra Leone, instead of being kept, in the miserable state she was, in this harbour, for three months: and moreover, however atrocious might be the crime of the individuals concerned in her, that the conduct practised towards them, such as putting them repeatedly in irons, &c., was not warranted by the Instructions, under which the seizure was made, nor by the Portuguese Decrees, supposing them even to have been applicable to the "*Flor de Loanda,*" and British cruisers to be authorised to enforce the same. Such was the general feeling on the subject—such were the sentiments expressed to us by our colleagues, and in which it would be a want of candour on our part to deny our own participation.

We have thus, my Lord, without that miserable detail into which we might have entered in justification of the opinion expressed by us, explained the feelings in which it originated, and which was yet further confirmed by observing, that, while the friends of England and of the suppression of the traffic were left with little to urge in reply or palliation, those engaged in, or friendly to, the traffic, tauntingly pointed to the horrors of this case, as a proof of the benefits to humanity resulting from her interference.

We have, &c.
(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 66.

Her Majesty's Commissioners to Viscount Palmerston.—(Received April 8th.)

My Lord, *Rio de Janeiro, February 12th,* 1839.

We have the honour to acknowledge the receipt of your Lordship's Despatch of the 5th December last, transmitting to us copies of correspondence which has passed between the Foreign Office and the Admiralty, from which we perceive, with no small satisfaction, that a vessel will be sent out to Rio, to serve as hulk for the reception of negroes from on board of slave traders captured by Her Majesty's ships, so soon as a suitable ship can be provided.

We beg to return our best acknowledgments to your Lordship for this communication, which we have made known to the Court.

We have, &c.
(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c &c.

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No. 67.

Her Majesty's Judge to Viscount Palmerston.—(Received April 8.)

My Lord, *Rio de Janeiro, February 14, 1839.*

I have the honour to acknowledge the receipt of your Lordship's dispatch of the 5th December, 1838, referring me to a paragraph contained in the letter from Dr. William Cullen to Lord Glenelg, of the 28th February of that year, in which he says, "the only Englishmen who obtained any (apprentices) were those belonging to the Mixed Commission;" and wishing to hear from me an explanation of my conduct in the transaction alluded to in that paragraph, and especially as to the charge which appears to be therein implied, that I hired on apprenticeship negroes emancipated by the Mixed Commission.

Her Majesty's Commissioners, my Lord, replied fully, and as they hoped satisfactorily, to every statement which they considered at all deserving of notice in the letter of Dr. William Cullen. Could I for a moment have supposed that your Lordship would have deemed any further matter therein contained to require an answer, much more that it involved any charge which called for explanation from me, most certainly I should not have waited till questioned by your Lordship to give it.

In point of fact no negro emancipated by the Commission was hired by me on the occasion referred to by Dr. Cullen; but it is no less true that I had previously hired one of those apprehended by this Government under their law of the 7th November, 1831; and that I have subsequently engaged the services of two more, taken on board the "*Orion*," and emancipated by the Commissioners in 1836.

In doing so, I considered that I was not only following an approved precedent set me by my predecessors, as announced in a dispatch from Mr. Hayne to the late Marquis of Londonderry of the 24th October, 1821, but that I was best consulting and carrying into practical effect the humane intentions of Her Britannic Majesty's Government, the three Africans so circumstanced in my family being perhaps among the very few whose eventual liberty and wages can be considered as secure. They are, I need hardly say, treated with every proper care, and are qualifying themselves to gain their own livelihood as household servants, at the expiration of their apprenticeship.

I have, &c.
(Signed) GEORGE JACKSON.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 68.

Her Majesty's Commissioners to Viscount Palmerston.—(Received April 8.)

My Lord, *Rio de Janeiro, February 15, 1839.*

We have the satisfaction of enclosing to your Lordship, in original and translation, the copy of an "Aviso" addressed, under date of the 14th instant, by the Brazilian Minister for Foreign Affairs to the Brazilian Commissary Judge, communicating to him the determination taken by the Regent, in the name of the Emperor, not to require, on the part of the Mixed British and Brazilian Commission, established in this city, the admission of Embargoes either in the two cases, now pending of the "*Diligente*" and "*Feliz*," or in that of any other vessel which may in future be brought before it for adjudication.

As the note, referred to in this "Aviso," will, of course, reach your Lordship through Her Majesty's Mission we do not add it; but we have much pleasure in stating that the sentence in the case of both the above-named vessels, has been already transmitted from this Court to the competent authorities for final execution.

As forming part of the proceedings, we had prepared for your Lordship's information translations of two protests, which were presented to the Court by the respective Proctors against the measure said to have been in contemplation, of sending the "*Diligente*" and "*Feliz*" to some British Colony, as also the copy of a letter in which we forwarded the same to Her Majesty's Chargé d'Affaires;

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but the favourable turn which the question of the embargoes appears to have taken precludes the necessity of our troubling you with either.

We have, &c.,

(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 68.

Palace, February 14th, 1839.

(Translation.) *Aviso.*

THE Regent, in the name of the Emperor, having determined, in consequence of the just reasons expressed in the note, the copy of which is enclosed, which has been addressed to Her Britannic Majesty's Chargé d'Affaires, through the Department of Foreign Affairs, under date 4th instant, that the Mixed Brazilian and British Commission in this city shall not admit embargoes to the sentences pronounced by it, as well in the cases of the vessels "*Diligente*" and "*Feliz*" as in that of any other which may in future be brought before it for adjudication, I have to communicate this to you, Sir, for your requisite information, and for the exact fulfilment of the same.

God preserve, &c.

(Signed) ANTONIO PEREGRINO MACIEL MONTEIRO.

No. 69.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, April* 26, 1839.

I HEREWITH transmit to you, for your information, a copy of a letter which, by my direction, has been addressed to the Secretary to the Admiralty, respecting the proposed establishment of a hulk at Rio de Janeiro, for the reception of persons from on board Slave Vessels, detained by Her Majesty's Cruizers under the Convention between this country and Brazil on Slave Trade.

I am, &c.,

(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 69.

Mr. Backhouse to Mr. Wood.

SIR, *Foreign Office, April 26th,* 1839.

I AM directed by Viscount Palmerston to transmit to you, to be laid before the Lords Commissioners of the Admiralty, the accompanying Copies of a Despatch, and of its Enclosures, from Her Majesty's Commissioners at Rio de Janeiro, containing copies of correspondence between the Commissioners and Commodore Sulivan, Commanding Her Majesty's naval force on the Brazil Station; and, with reference to Sir John Barrow's communication to me, of the 23rd of November last, stating that a vessel will, as soon as possible, be sent out to Rio de Janeiro, to be stationed there, for the reception of persons whom it may be desirable to transfer to such ship from slave vessels under process of adjudication, I am to request that you will draw the attention of the Lords of the Admiralty to the increasing necessity for the appropriation of a vessel for the purpose stated. I am to add that it appears to Lord Palmerston to be desirable that such vessel should be so fitted up as to afford all requisite security against the escape of such persons, negroes, and others, as may be placed on board of her; and that it should also have the requisite accommodations and proper officers for the care and treatment of the

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sick. And I am to state that Lord Palmerston will be glad to be informed when the arrangements for this service are completed.

I am, &c.

Charles Wood, Esq. (Signed) J. BACKHOUSE.
&c. &c. &c.

No. 70.

Viscount Palmerston to Sir George Jackson.

SIR, *Foreign Office, May 8th,* 1839.

I HAVE received your despatch of the 14th of February 1839, containing explanations respecting your employment of liberated Africans as servants.

Without questioning the kindness of your motives in hiring those persons as servants, I think it right to desire that you will not henceforward employ as servants any Negroes liberated under sentence of the Mixed Commission.

You will, of course, understand that this instruction is not intended to sanction your employment of slaves; it is meant to prevent a practice, which may give rise to misrepresentation, and which might lead to abuse.

I am, &c.

(Signed) PALMERSTON.

Sir George Jackson,
&c. &c. &c.

No. 71.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN, *Foreign Office, May 28th,* 1839.

I HEREWITH transmit to you, for your information and guidance, a Copy of a Despatch from her Majesty's Consul at Lisbon, inclosing the translation of the Instructions which has been addressed by the Portuguese Government to the Directors of the several Custom-houses of the Kingdom, warning them against some foreign vessels suspected of being about to assume the Portuguese Flag for the purpose of engaging in the Slave Trade.

I am, &c.

(Signed) PALMERSTON.

Her Majesty's Commissioners.
&c. &c. &c.

Enclosure in No. 71.

Mr. Smith to Viscount Palmerston, Lisbon, April 22, 1839.

(See Class B. No. 65, page 111.)

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SURINAM.

No. 72.

Mr. Samo to Mr. Strangways.—(Received April 22nd.)

SIR, *Surinam, January 26th*, 1839.

I HAVE recently been favoured with the enclosed printed minute of the proceedings at a session of the Colonial Council at French Guiana, containing a resolution passed by that body, and declining (conditionally) to accede to some measures for the melioration of their slave population, which have lately been proposed to them by the Government of the King of the French.

I think it right to transmit this document to you, Sir, for the information of Viscount Palmerston and yourself.

I have, &c.
(Signed) JOHN SAMO.

The Honourable W. Fox Strangways,
&c. &c. &c.

(Enclosure forwarded to the Colonial Office.)

No. 73.

Her Majesty's Judge to Viscount Palmerston.—(Received April 22.)

MY LORD, *Surinam, February 11th*, 1839.

I HAVE the honour to transmit herewith the translation of an Act of the Colonial Government, declaring that the value of a slave, in any case, shall not exceed the sum of 1200 guilders (100*l.* sterling).

As this measure emanates from the Council themselves, which is mostly composed of persons connected extensively with slave properties in this colony, it may be presumed that the proceeding will receive the sanction of His Netherlands' Majesty; and I conceive that it may be hailed as a most important step towards carrying into effect any future procedure for the emancipation of the unfortunate slaves.

The total number of negroes held in slavery, within this province, is under 50,000, and, taking the above amount as the maximum, it will be seen that the sacrifice of a comparative small sum would enable the Dutch Government to give entire freedom to these people.

I am informed, by persons who are conversant with the subject, that the number of negroes who might entitle owners to claim the highest valuation, as fixed by this recent law, would be found considerably less than one-twentieth of the whole slave population.

I have, &c.
(Signed) JOHN SAMO.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

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Enclosure in No. 73.

(Translation.) *Publication.*

Containing stipulations regarding the manner in which proprietors shall be indemnified in the event of their slaves (in consequence of some extraordinary act of fidelity) being considered by Government as worthy of having the boon of freedom conferred upon them.

In the name of the King,

The Governor-General, *ad interim*, of the Netherlands' West India Possession,

To all who may see or hear these presents read, greeting,

Whereas, it has been deemed necessary that a regular, as well as a reasonable standard should be made with regard to the indemnification to be allowed to the owners of slaves on whom the Government, in certain cases, might wish to bestow the gift of freedom,

We have, after submitting the same to Colonial Council, thought fit and resolved to enact as follows :—

Article 1.

Government shall have the right of appropriating to itself, for the purpose of freedom, any slave who has shown extraordinary marks of fidelity, on indemnifying the owners for the loss of such slave.

Article 2.

The indemnification alluded to in the foregoing Article shall in no instance exceed the sum of *twelve hundred guilders*, and shall be awarded in proportion to the age of the slaves, and their ability in performing field or other labour, by two competent persons, one of whom shall be named by the Government, and the other by the owner of the slave ; both parties shall take the necessary oath before the Governor-General, previous to their undertaking such appraisement.

Article 3.

In case the two persons thus appointed should differ in awarding the amount of indemnification, on application being made by the Procurer-General, in his capacity as representing the Colonial Government, a third party shall be added, and sworn in by a Commission from the Inferior Court of Justice. Should two of the three parties, thus appointed, agree in the amount awarded, their decision shall be conclusive ; but, in the event of all three parties differing, the amount awarded by each shall form an aggregate, one-third of which shall be the indemnification allowed.

Article 4.

The present regulations shall be in force, immediately upon their announcement ; and, that none may pretend ignorance thereof, they shall be promulgated as usual in the Government papers.

This done and passed at Paramaribo, the 8th day of February, 1839, in the 26th year of His Majesty's Reign.

(Signed) PH. DE KANTER.

By command of his Excellency.

(Signed) G. S. DE VEER,
The Government Secretary.

Published in Paramaribo, the 19th February following.

(Signed) G. S. DE VEER,
The Government Secretary.

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No. 74.

Viscount Palmerston to Her Majesty's Commissary Judge.

GENTLEMEN, *Foreign Office, May 28, 1839.*

I HEREWITH transmit to you, for your information and guidance, a copy of a Despatch from Her Majesty's Consul at Lisbon, enclosing the translation of an Instruction, which has been addressed by the Portuguese Government to the Directors of the several custom-houses of the Kingdom, warning them against some foreign vessels suspected of being about to assume the Portuguese flag, for the purpose of engaging in the Slave Trade.

I am, &c.

(Signed) PALMERSTON.

Her Majesty's Commissary Judge,
&c. &c. &c.

Enclosure in No 74.

Mr. Smith to Viscount Palmerston, Lisbon, April 22, 1839.

(See Class B. No. 65, page 111.)

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APPENDIX.

SIERRA LEONE. (*General.*)

Her Majesty's Commissioners to Viscount Palmerston.—(*Received June* 12, 1839.)

(Extract.) *Sierra Leone, December 31st,* 1838.

We have the honour herewith to enclose to your Lordship a list of all the cases, adjudicated in the Mixed Courts, established at Sierra Leone, between the 1st of January and the 31st of December, 1838. In that period no vessel was brought before the British and Brazilian Court of Mixed Commission, or the British and Netherlands Mixed Court of Justice. The number of slaves emancipated by us during the same time was 5341, of whom only 3379 were registered in this place; the whole of the remainder (with the exception of 24, who died or absconded before their descriptions could be taken to be registered), having been landed on the island of Jamaica, or at Nassau, New Providence. The survivors of 138 slaves, embarked in the restored vessel "*Camoes*," were, in like manner, handed over to the Colonial Government here, though without emancipation; their shipment by the captor having been highly irregular, and the claimant having denied all property in them. The total number of slaves emancipated by the Courts at Sierra Leone since their establishment, is 55,578, of whom 48,359 have been registered in the same place.

Thirty vessels (seven of which were captured in the West Indies) have passed through the Courts during the last year, besides a schooner which was prosecuted in the British and Spanish Mixed Court of Justice as a Spanish vessel, but which the Court declined to adjudicate, as she had been captured under the flag and pass of the United States. Five other vessels, now in the harbour, still remain for adjudication, and will appear in the list of the following year.

It is a remarkable fact, that *every one* of the thirty vessels which have been adjudicated, professed to be Portuguese, and was provided with Portuguese papers. To four of them, however, (the "*Deixa Falar*," "*Gratidão*," "*Camoes*," and "*Velox*,") a Brazilian character was clearly attached, and the remaining twenty-six were undoubtedly Spanish.

One vessel (the "*Camoes*") was restored, with damages, on account of the irregularity of her capture. Eleven others were divested of their Portuguese covering, and condemned in the Spanish Court, on the ground that Spanish ownership and course of trade had placed them within the reach of the requirements and penalties of the Spanish Slave Trade Treaty. And of the remaining eighteen cases, one (the "*Velox*") was condemned, for having had slaves on board in the particular voyage in which she was detained, although all had been relanded before detention took place; and the others were full of slaves at the moment of capture.

Out of the thirty vessels seventeen received their passports at the Cape de Verd Islands, four at the islands of Princes and St. Thomas, two at St. Paul de Loando, three from the Portuguese Consul-General at Rio de Janeiro, three from the Portuguese Consul-General at Cadiz, and one at Lisbon.

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The destinations of the same vessels were severally as follows:—to Bahia two, Pernambuco two, the island of Cuba twenty-four, Porto Rico two.

Nineteen vessels were prosecuted in the British and Portuguese Court of Mixed Commission during the past year. Eighteen of the number were condemned for having had slaves on board, and one was restored. Of the condemned vessels four embarked their slaves in the Gallinas, one in the Sherbro, and one in the Rio Nunez, three rivers in the immediate neighbourhood of this colony; five were loaded at Lagos, two in the Calabar, two in the Bonny, one in the river Benin, one in the river Nun, and one at Whydah. The restored vessel ("*Camoes*") was intending to take on board a cargo of slaves in the river Benin, at the time of her unauthorised capture.

Only one of the eleven vessels condemned in the British and Spanish Mixed Court of Justice, had embarked any slaves previous to capture. That one (the "*Opposição*") was captured in the West Indies, whilst preparing to re-enter the port of Havana in ballast, after disembarking on the coast of Cuba, a cargo of Congo slaves, which had been shipped in the river Zaire. None of the remaining ten had taken any slaves on board previous to capture, and, with one exception, they were all detained in the neighbourhood of this colony, viz., six in the Gallinas, one in the Pongas, two a little lower down, off the river Sestos, and one at Accra. The American schooner "*Mary Anne Cassard*" was detained a few miles from Cape Sierra Leone.

With reference to this statement of facts, we beg leave to offer a few remarks.

1. The number of vessels and slaves captured during the past year would have been much greater, but for the following circumstances:—An epidemic, which had originated at Sierra Leone, and had proved awfully fatal there in 1837, raged on board almost every vessel of the squadron, long after it had disappeared from this colony; and either incapacitated Her Majesty's cruizers from active exertion, or drove them from their cruizing-grounds to Ascension, St. Helena, and the Cape. This led to strict orders being issued, that no man-of-war should visit our port; and thus the agents and professional advisers of the Naval Commanders, were deprived of the opportunity of communicating to their clients in the Bights, any information respecting the decisions given in the cases of the "*Opposiçao*" and "*Diligente,*" until after those decisions became known to all the slave-dealers on the coast. During this period also, Admiral Elliot succeeded Sir Patrick Campbell in the command of the squadron; and the time which precedes, and immediately follows, a change of this nature, is always a season of comparative inactivity. Again, not a single cruizer has been stationed to the southward of the line; consequently, that large tract of slaving-coast has been left altogether unwatched. It is certain that *all* the slave vessels that have been before us have been captured to the north of the line; and the only one of them that embarked her slaves in a southern latitude, was captured in the West Indies.

2. The extent and importance of the Slave Trade carried on to the westward of Cape Palmas, as compared with that which still flourishes in the Bights of Benin and Biafra, is generally much under-rated. Fifteen out of the thirty vessels which came before us last year, either were captured, or took on board their slaves, within the former narrow boundary. It is true that some of these captures were made in consequence of certain decisions with regard to *empty* vessels, which were known only on this part of the coast; but still the fact remains, that one-third of the vessels which were detained *with full cargoes of slaves on board*, or four out of seven, if we only look to vessels detained in the West Indies, embarked their slaves in our immediate neighbourhood.

3. The whole, or very nearly the whole, of the Slave Trade carried on north, or rather west of Cape Palmas, is for the supply of the island of Cuba, and generally on account of Havana merchants. The Brazilians still frequent their old slave-haunts in the Bights, and to the southward of the line. Portuguese trade, properly so called, there is none, nor do we well see how there can be under the newly-applied principle, that the national character of a vessel may be fixed by the domicile of her merchant-owner, and by her mode of employment.

4. The application of the rule just referred to, when it comes to be generally understood and acted upon by Her Majesty's cruizers, will render

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the accession of Portugal to the terms of the Spanish Treaty, though certainly desirable, a matter of comparatively small importance.

5. Driven from the shelter which has latterly been afforded by the colours of Portugal, the slave-dealers of all nations are now invoking the protection of the flag of the United States; and the American consuls at Matanzas and Havana show no unwillingness to render the required assistance. Upon the full discussion of this interesting but painful subject we forbear entering at present, as we have lately in our Despatch, marked Spain, of the 30th November last, noticed it at considerable length. On that occasion we ventured to suggest that, should the extensive and scandalous abuse of her flag still fail to induce the free government of the United States to co-operate with other civilized nations, in the suppression of an inhuman traffic, the remedy is in our own hands; on the supposition, however, that the British Government is convinced that the African Slave Trade is an offence against the laws of nature and nations. If it be so, and we are fully persuaded that it is, the formal acknowledgment of that truth by all the maritime States of Europe might be invited. But should these powers, who, not many years since, pronounced the Slave Trade to be "contrary to the principles of religion, justice, and humanity," hesitate at this critical moment to affirm their former declaration, and to brand with the name of pirates the traffickers in human suffering—the "hostes humani generis,"—the enemies of "religion, justice, and humanity," we still possess the right and the power to give full effect to our own more enlightened views of the duties which nations owe to each other. The simple means which England employs, when engaged in war, to enforce her disputed right to visit and search the vessels of all neutral Powers is, we believe, an order in council, arming all British cruizers with authority to act, and binding all Admiralty and Vice-Admiralty Courts to adjudicate such vessels as may be captured under that order. But whatever other means may be necessary, in a time of profound peace, to give effect to England's interpretation of the law of nations, those means she will surely not hesitate to adopt, when her only other alternative is—retiring at once from a contest, which she has so long waged, baffled, beaten, and insulted by a set of lawless and outcast smugglers; or wilfully continuing to sacrifice thousands of valuable lives and millions of money, with the full knowledge that the only result of her further efforts will be, fresh triumphs to the Slave Traders, and the increased misery of their victims.

Desirable as would be the concession by America of the right of mutual search, experience has shown that we can expect no permanent advantages from it. The allegiance professed by the slave-dealers of all nations to the flags of France, Portugal, and America, successively, will then be transferred from one South American State to another, through all the independent Governments that at present exist, or hereafter may arise, in that divided quarter of the world. The plan which we now recommend is a certain and effectual remedy, so far as it is enforced, for the evils complained of; and, if now rejected, *must* be adopted at some future period, when England has grown sufficiently weary of making sacrifices for the attainment of an object which is ever eluding her grasp.

In the mean time, it is our duty to render our present Slave Treaties as efficient as possible, and to employ the means which we already possess, in counteracting the efforts of the slave-dealers. With this view, we beg leave briefly to offer a few suggestions for your Lordship's consideration.

1. The immediate occupation of all the Portuguese settlements north of the Line, viz., the Cape de Verds, Bissao, Cacheo, Princes, and St. Thomas.

We have seen above, that twenty-one out of the thirty vessels adjudicated last year, obtained their fictitious papers at one or other of those wretched places. British occupation would of course put an end to these irregularities, besides opening sources of legitimate traffic. The right to occupy is as clear as the beneficial effects of occupation, so far as Slave Trade is concerned. The determined refusal or neglect of Portugal to fulfil her Treaty engagements with Great Britain, has entitled the latter to demand the immediate repayment of the immense sum by which those engagements were purchased; and the African settlements of Portugal might be held in pawn until the payment be completed. In this view the repayment by Portugal of six hundred thousand pounds, with compound interest thereon for the last twenty-five years (sup-

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posing her capable of making it), would annul our Slave Trade Treaties with that power, and cast upon Great Britain the imputation of mercenary motives. But should Portugal be placed in a condition, either from her own resources, or, what is much more likely, from the joint-stock subscription of three or four wealthy Slave-Trading houses, to tender back to England the whole sum which was so generously advanced to her, and to demand the annulment of the Treaty which that sum formerly purchased; with us would still rest the option of rejecting the disgraceful offer; of insisting on the complete execution of the ratified compact; and, having paid the stipulated price, of securing the purchase by all the means in our power. As a collateral security for the attainment of the promised "total abolition of the Slave Trade for the subjects of the crown of Portugal," the occupation of the Portuguese settlements north of the Line is now recommended. Nor need it be attended with any but a very trifling expense, or embrace more than the single object for which it is undertaken,—the visitation and search of every vessel within the Portuguese waters, or three miles from the Portuguese territories above named, and the detention and trial of such as may be equipped for Slave Trade, or be aiding and abetting the illegal traffic; dealing with the suspected and the guilty in the same manner as we should, if they were committing the same offence within British waters.

2. The least known of these settlements, but probably the most important, whether with regard to Slave Trade or fair commerce, is Bissaõ. In its immediate vicinity is the valuable but neglected *British* island of Bulama, now one of the most active slaving stations on the coast. Here the notorious Kyetan has fixed his residence, and is receiving constant supplies of slaves from the neighbouring rivers, loading numerous vessels, and having seldom less than three hundred slaves in his extensive barracoons. General Sir Neil Campbell, late Governor of this colony, visited the island of Bulama in the year 1826, and wrote an interesting memoir upon it, which may be obtained from the Colonial Office. It is only a few days' sail north of Sierra Leone, and completely commands the Rio Grande and Geva, two of the most important rivers on the coast of Africa, and which, towards their source, almost unite with the river Gambia. It surely is not to be permitted that this eligible trading station, belonging to Great Britain, should be abandoned to the use of such a wretch as Kyetan, who has only very lately returned from the galleys. Under this persuasion, Her Majesty's Commissary Judge lately addressed the following letter to His Excellency Colonel Doherty.

(Copy.) *British Commissioners' Office,*

SIR, *Sierra Leone, November 26th,* 1838.

MR. BECAISE, who has lately arrived from the rivers to the northward, and who is intending to return to the Rio Nunez this evening or tomorrow, has informed me that, when he visited the British island of Bulama a short time ago, he found there between two hundred and three hundred slaves prepared for shipment by Don Cayetano, the notorious Kyetan, formerly Governor of Bissaõ. Mr. Becaise describes the island as completely occupied by Slave Traders, and as always containing a larger or smaller number of slaves in barracoons.

Papers, which have been found in several of the vessels lately before the Mixed Commission Courts, tend to confirm Mr. Becaise's representation, and to show that, since Kyetan's return to the coast, the Slave-trading operations of Bissao have been transferred to the British island of Bulama.

Bulama is, I believe, undoubtedly British, and not long since Her Majesty's brig "Britomart" was despatched from Sierra Leone to declare, and maintain, if necessary, our sovereignty over the place. Under these circumstances, I beg leave to suggest to Your Excellency the propriety of seizing and prosecuting, in the Vice-Admiralty Court here, all persons who may be found on Bulama detained as slaves, and of punishing the guilty parties, for having so grossly violated the British territory.

I have, &c.

(Signed) H. W. MACAULAY.

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Governor Doherty, with great promptitude, immediately made a requisition to Her Majesty's brig "Brisk," commanded by Lieutenant Kellett, who was in harbour at the time, and who as promptly proceeded immediately on the required service. The result was, that Lieutenant Kellett returned to us after a few days with 212 slaves, whom he had been enabled to secure, many others having been carried into the woods and concealed. These slaves were all heavily ironed and chained. Kyetan was unfortunately absent at the time at Bissao, but his barracoons were burned down, and the British colours left flying on the island. Shortly afterwards, however, Kyetan returned, the Portuguese colours have been re-hoisted, and the Slave Trade is flourishing as before. On these grounds we recommend the full occupation of Bulama, which will put an end to the extensive Slave Trade, now carried on with impunity on British soil, and will tend greatly to interrupt that which is carried on at Bissao.

3. The only other suggestion which we shall at present offer is, the adoption of means to secure the punishment of *persons* implicated in Slave Trade adventures. As things are now managed, the confiscation of a slave vessel affects only the owner or the underwriters; and the parties who navigate the condemned vessel are constantly seen to embark again, on a second illegal voyage, a few days after the termination of the first. The complete personal impunity which attends the agents by whom illegal Slave Trade is carried on, combined with the high wages by which their services are secured, renders the Slave Trade, notwithstanding all its inconveniences, the most desirable employment for the Spanish and Portuguese sailor. On this subject we beg leave to refer your Lordship to Class A., 1824-1825, pages 142 and 143; and to Class A., 1836, pages 217 and 218.

The plan which we now propose for adoption, with regard to slave-vessels captured on this coast, and condemned at Sierra Leone, is applicable, with some modifications, to similar seizures in other parts of the world; but its effect may be tried here in the first instance.

Both the Portuguese and Spanish Treaties require, that "the Captain, and a part, at least, of the crew," of a captured slave-ship should be left on board; and this clause, whilst it sanctions the present almost invariable practice of sending up only the Master, and one or two of the seamen, of a detained vessel as witnesses before the Mixed Courts, and landing the remainder of the crew, as soon as possible, at the nearest or most convenient port, equally permits *the detention of the whole of the crew*, if it should be thought necessary; and we now beg leave to recommend the latter course, with a view to ulterior proceedings against all the guilty parties.

The hulk already fixed at Sierra Leone may be used as a temporary receptacle for such prisoners; and one small steamer or vessel of war might be constantly employed in conveying the prisoners from this place to England, to obtain the orders of Her Majesty's Government as to their delivery at Lisbon (if Portuguese), or at Cadiz or some other port (if Spanish).

Portugal and Spain are both bound by treaty, as well as by their own law, to punish their respective subjects "who may participate in an illicit traffic in slaves," and "to assimilate as much as possible their legislation in this respect to that of Great Britain;" and those powers will thus enjoy the opportunity of fulfilling their obligations. The punishment of the guilty persons might be strongly urged by the British Ambassadors; but whether punished or not, we are persuaded, that a more severe blow would be given by this proceeding to foreign Slave Trade than it has ever yet received. No less than 687 Spanish and Portuguese sailors were engaged in navigating the thirty vessels which came before us last year. All these men have long since returned to their former occupation; but had they been withdrawn, as we propose, from their old haunts and pursuits, carried to Europe far from their Slave-Trading connexions, fined, imprisoned, and otherwise punished, and left to find their way back as best they could to Cuba and Brazil; the alarm which would have been thereby caused amongst the many thousands of seamen engaged in the same manner, would have done more to check and injure the illegal traffic, than any means that have been adopted for the last twenty years.

The execution of this plan would be attended with little inconvenience and expense. Supposing the number of cruizers on the African Station to remain the same, one would of course be withdrawn from cruizing, in order to convoy the detained slaving crews to Europe; and some of the smaller

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men-of-war would be obliged themselves to accompany their second prizes into port. This would make little practical difference to the Commanders of vessels of this class, whose practice it is, even under the present system, to convey up their second prizes, with the object of preserving the efficiency of their vessels, and the health of their prize crews.

With regard to expense, the Commissariat at present supplies daily rations of food to every individual of the detained prize crews, so long as he remains in the colony; charging the expense in the public accounts either to Portugal or Spain, as the case may be. The further expense of rationing a larger number of persons for a longer time would be charged in the same way, and repaid to us in the same manner, from *the moiety* of the proceeds of condemned slavers, which is carried to the credit of the power to which the condemned vessel and the detained crew belong. For the care and custody of the prisoners a similar force to that which has been allowed to the "Romney" receiving ship at Havana, might be provided from Her Majesty's services here.

We trust, my Lord, that the above suggestions will not be deemed impertinent or useless. Disappointment has followed every effort hitherto made; and stronger measures are now imperatively called for — measures which, without violating the laws of nations, or the faith of treaties, will at length accomplish the earnest desire of the British nation, by the total abolition of African Slave Trade.

We have, &c.

(Signed) H. W. MACAULAY.
R. DOHERTY.

The Right Hon Viscount Palmerston, G.C.B.,
&c. &c. &c.

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Enclosure.

A List of Cases adjudicated in the Courts of Mixed Commissions, established at Sierra Leone, betwixt the 1st day of January, and the 31st day of December, 1838.

No. of Cases adjudicated between June, 1819, and 31st Dec. 1838.	No. of Vessels liberated between June, 1819, and 31st Dec. 1838.	No. of Cases adjudged between 1st January and 31st Dec. 1838.	Nation.	Name of Vessel.	Class.	Whether Condemned or Liberated.	No. of Slaves on board at the time of capture.	No. of Slaves Emancipated.	No. of Slaves Emancipated and Registered.	Remarks.
	18		Spanish.							
305	,,	1	1	Opposicão . . .	Schooner	Condemned				
306	,,	2	2	Diligente . . .	Brig	,,				
307	,,	3	3	Ligeira . . .	Schooner	,,				
308	,,	4	4	Constitucão . .	,,	,,				
309	,,	5	5	Eliza	,,	,,				
310	,,	6	6	Constitucão . .	,,	,,				
311	,,	7	7	Jozephina . . .	,,	,,				
312	,,	8	8	Maria	,,	,,				
313	,,	9	9	Veloz	,,	,,				
314	,,	10	10	O Veterano . .	Brig	,,				
315	,,	11	11	Sirse	Schooner	,,				
			Portuguese.							
316	,,	12	1	Princeza Africana	,,	,,	222	222	222	
317	,,	13	2	Deixa Falar . .	Brigantine	,,	225	186	186	
318	,,	14	3	Gratidão . . .	Brig	,,	452	380*a*	370	
319	19	15	4	Camoes . . .	,,	Liberated				
320	,,	16	5	Izabelita . . .	Schooner	Condemned	160	159*b*		
321	,,	17	6	Arrogante . . .	Brigantine	,,	407	332*c*		
322	,,	18	7	Felicidades . .	Brig	,,	559	408*d*	404	
323	,,	19	8	Veloz	,,	,,				
324	,,	20	9	Dous Irmãos . .	Schooner	,,	305	241*e*	234	
325	,,	21	10	Prova	,,	,,	225	194*f*	193	
326	,,	22	11	Diligente . . .	Brig	,,	480	475*g*		
327	,,	23	12	Camoens . . .	,,	,,	572	569*h*		
328	,,	24	13	Paquete Feliz . .	Brigantine	,,	195	187	187	
329	,,	25	14	Feliz	Schooner	,,	326	324*i*		
330	,,	26	15	Ingemane . . .	,,	,,	82	79*j*		
331	,,	27	16	Prova	,,	,,	326	295*k*	293	
332	,,	28	17	Dolcinea . . .	,,	,,	253	249	249	
333	,,	29	18	Liberal . . .	Brig	,,	591	583	583	
334	,,	30	19	Emprendedor . .	,,	,,	467	458	458	
							5,847	5,341	3,379	

a One man, one woman, and six boys died; and two men absconded after emancipation, but previous to their descriptions having been taken to be registered.
b These slaves were landed at Port-Royal, in the Island of Jamaica, and therefore not registered here.
c These slaves were landed at Montego Bay, Jamaica, and therefore not registered here.
d Three men and one boy died after emancipation, but before their descriptions were taken to be registered.
e Four men, one woman, and two girls died, after emancipation, but before their descriptions were taken to be registered.
f One boy died, after emancipation, but before his description was taken to be registered.
g These slaves were landed at Nassau, New Providence, and therefore not registered here.
h Ditto Ditto Ditto.
i Ditto Kingston, Jamaica Ditto.
j Ditto Nassau, New Providence, Ditto.
k One man died, and one girl absconded, after emancipation, and before their descriptions were taken to be registered.

Emancipated at Sierra Leone, but not registered, between June, 1819, and 1st January, 1838	5,257
Died or absconded subsequent to emancipation, but prior to registration, between 1st January and 31st December, 1838	24
Emancipated at Sierra Leone, but not registered there, in consequence of their having previously been landed at Jamaica and Nassau, New Providence, between 1st January and 31st December, 1838	1,938
Total	7,219
Total of slaves emancipated and registered here between June, 1819, and 1st January, 1838	44,980
Total of slaves emancipated and not registered here, between June, 1819, and 1st January, 1838, for reasons assigned in previous returns	5,257
Total of slaves emancipated between 1st January and 31st December, 1838	5,341
Grand total of slaves emancipated at Sierra Leone between June, 1819, and 31st December, 1838	55,578
Of which number there has not been registered here, as appears by the foregoing remarks	7,219
Grand total number registered here up to this day	48,359

N.B. Among the vessels brought into the Courts during this year was a schooner without slaves, named the "Mary Ann Cassard," which was libelled as Spanish; but as she had been detained while sailing under the flag of the United States of America, the Court declared itself to be without jurisdiction, and therefore dismissed the case without pronouncing an opinion.

(Signed) H. W. MACAULAY.
R. DOHERTY.

Sierra Leone, 31*st December*, 1838.

(Signed) J. MILLAR, *Acting Registrar.*

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Class B.

(FURTHER SERIES.)

CORRESPONDENCE

WITH

FOREIGN POWERS,

RELATING TO

THE SLAVE TRADE.

1839.

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Class B.

(FURTHER SERIES.)

CORRESPONDENCE

WITH

SPAIN, PORTUGAL, AND BRAZIL,

RELATIVE TO

THE SLAVE TRADE.

From February 2, 1839, to May 31, 1839.

Presented to both Houses of Parliament by Command of Her Majesty,
1839.

LONDON:
PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET,
FOR HER MAJESTY'S STATIONERY OFFICE.

1839.

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(FURTHER SERIES.)

CORRESPONDENCE

WITH

FOREIGN POWERS.

SPAIN.

No. 1.

Earl of Clarendon to Viscount Palmerston.—(*Received February* 4.)

My Lord, *Madrid, January* 26, 1839.

I have the honour to enclose the Copy of a note, which, in conformity with the instructions contained in your Lordship's despatch of the 31st of December, 1838, I have addressed to M. de Onis, requesting that orders may be sent to the Captain-General of Cuba, for the immediate liberation of the negro boy Wellington.

I have, &c.
(Signed) CLARENDON.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 1.

Earl of Clarendon to M. de Onis.

Sir, *Madrid, January* 23, 1839.

I have the honour to inform your Excellency, that I have received the instructions of my Government to request the interference of the Government of Her Catholic Majesty, in procuring the restoration to liberty of a negro youth, named "Wellington," who was kidnapped in the year 1834, in Montego Bay in Jamaica, and afterwards sold at St. Jago de Cuba, to an individual named Garcia.

The Marquis of Sligo, then Governor of Jamaica, under date of 22nd April, 1835, applied to the Captain-General of Cuba, to induce His Excellency to give directions for the release of "Wellington" from slavery, and that he might be allowed to return to Jamaica.

From a correspondence which has lately taken place between the present Governor of Jamaica, Lieutenant-General Sir Lionel Smith, and Her Britannic Majesty's Consul at St. Jago de Cuba, it appears that the Captain-General did take some steps in the matter, that the man Garcia was arrested and thrown into prison, and the boy Wellington placed under the care of the Licentiate Don Juan Bautista Sagarras, Protector of Slaves, who retains the boy in his possession, and is ready to give him up. Subsequently, further inquiries have been made into the subject, on the part of Her Britannic Majesty's Government, by Captain Fraser of the "Nimrod," who, in conjunction with the British Consul, has claimed the delivery of the boy from the Governor of Cuba. But it appears, that such is the slowness of the proceedings, and the venality of the parties concerned, who are influenced by the creditors of this Garcia, that there is no prospect of the boy's recovering his liberty, without the direct interference of the Government of Madrid.

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I have therefore been instructed to express to your Excellency the confident expectation of my Government, that orders will be given by the Government of Her Catholic Majesty, to the proper authorities in Cuba, to deliver up this boy to Her Britannic Majesty's Consul at St. Jago de Cuba, in order to his being restored to liberty.

I have, &c.
(Signed) CLARENDON.

His Excellency
Don Mauricio Carlos de Onis.
&c. &c. &c.

No. 2.

Earl of Clarendon to Viscount Palmerston.—(Received February 12.)

My Lord, *Madrid, February* 2, 1839.

I have the honour to enclose the copy and translation of a note, which I have received from M. de Onis in reply to mine of the 26th November last, addressed to the Duke de Frias, respecting six cases of injustice towards British subjects in Cuba.

I enclose, likewise, the copy of a note which I have addressed to M. de Onis in reply.

I have, &c.
(Signed) CLARENDON.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 2.

(Translation.) *M. de Onis to the Earl of Clarendon.*

Sir, *Madrid, January* 18, 1839.

I have laid before Her Majesty the august Queen Regent, the note, which you were pleased to address to my predecessor on the 26th of November last, inclosing copies of the correspondence which has passed between the Captain of Her Britannic Majesty's ship "Comus," and the Captain-General of the Island of Cuba, relative to the conduct observed by the authorities of Santiago de Cuba, in five [six] different cases, towards certain British subjects.

Her Majesty, having made herself acquainted with all that you were pleased to state, in the name of your Government, relative to these occurrences, has been pleased to command me to represent to you, as I have now the honour of doing, in reply to your above-mentioned note, that in the impossibility of satisfying, as Her Majesty earnestly wishes to do, the reclamations of the British Government against the authorities of Santiago de Cuba, on account of not yet possessing all the necessary data, which are indispensable for acting properly in each case specified by you, Her Majesty's Government has issued proper and positive orders to the Captain-General of the Island of Cuba, to transmit immediately all the documents and information, necessary for enlightening the Government in an affair of so great importance, and to enable it to propose to Her Majesty the most just and proper determination to be come to.

With the object of preventing as much as possible, that British subjects should suffer any injury or annoyance, either in their persons or property, on the part of the authorities of that Island, the said Captain-General, by order of Her Majesty, has been further commanded to make use of all his zeal and vigilance, for preventing any excess on their part in the discharge of their duties, supposing such to have been the case, particularly towards British subjects, with whose Sovereign such intimate and agreeable relations unite the Queen Regent, and which Her Government endeavours to preserve and draw closer by all means in its power.

Immediately the Government receives the information and data required from the Captain-General of Cuba, it will devote its attention to their examination, and

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will lose no time in communicating to you the determination, which Her Majesty may think proper to adopt upon the subject in question.

I avail myself, &c.

(Signed) MAURICIO CARLOS DE ONIS.

The British Minister.
&c. &c. &c.

Second Enclosure in No. 2.

The Earl of Clarendon to M. de Onis.

SIR, *Madrid, January* 26, 1839.

I HAVE had the honour to receive your Excellency's note of the 18th inst., in answer to mine of the 26th November last, respecting the conduct of the authorities of St. Jago de Cuba, in six different distinct cases, towards British subjects.

Your Excellency is pleased to inform me, that the Government of Her Catholic Majesty is unable to satisfy the demands of my Government on this subject, for want of the data required in each of these cases, and that the most peremptory orders have been despatched to the Captain General of Cuba, to remit all the documents and information, necessary to enable the Government to come to a resolution.

I regret extremely to observe to Your Excellency, that this is the invariable answer I receive, whenever my Government instructs me to make a representation with respect to the conduct of the authorities of Cuba; and up to the present moment, I have never found that any other effect was produced than a formal denial, as was to be expected, of all the charges, by the very parties accused.

One of the cases which I brought before the notice of Her Catholic Majesty's Government in the note, to which that of your Excellency is an answer, is that of the treatment of Mr. John Campbell. I laid all the circumstances of it, and they are of a very grave description, before Her Catholic Majesty's Government, in my note to the Count Ofalia, on the 26th of January last year.

On the 31st of the same month, I was informed by His Excellency, almost in the same terms as those now used by Your Excellency, that information had been sought respecting Mr. Campbell's treatment from the Captain-General of Cuba, and that he was charged to remit it without delay, in order that Her Majesty might adopt such measures as suited the case. I am now writing on the anniversary of the date of my note, and up to the present moment I am not aware that the Captain-General has ever given an answer. It has not been that the Government of Her Catholic Majesty has not been reminded on the subject,—for, on the 1st of October, in pursuance of the pressing instructions of my Government, Lord William Hervey, charged with this mission during my absence, addressed a further note to the Duke de Frias on the subject. The Duke de Frias answered a few days afterwards precisely in the usual terms, that before a resolution could be taken, he must have information from Cuba, and this information he was daily expecting. I presume it has never arrived, for in your Excellecy's note of the 18th instant, your Excellency is pleased to inform me, that the Government has no data by which to be guided in forming a judgment in any of the cases complained of. Your Excellency cannot be surprised that I should expect the same fate for the other representations: viz., that after being repeatedly told that they have been referred to the proper authorities for information, in all probability another year will elapse before my Government has the satisfaction of learning, that the Captain-General of Cuba has condescended to answer the complaint. Such being in general the history of cases connected with that Island, it is with infinite pain and regret, that I am compelled not to attach the importance, which I should be most happy to do, to the flattering assurances of your Excellency's note, "that the Captain-General of Cuba was directed to employ his most zealous efforts in the protection of the subjects of Her Britannic Majesty, between whom and your august Sovereign, the most intimate and satisafactory relations subsist, and which Her Majesty's Government strive to preserve by every effort in their power."

Such expressions as these, I would take the liberty to observe to your Excellency, amount either to much, or to nothing. I, for my part, have long striven to give them all the solidity and utility of a truth. I cannot, however, but confess, that,

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when I regard the long list of cases, in which wrongs committed against British subjects, within the range of the power of the Captain-General of Cuba, have never been compensated, and in most instances not even explained, it is in vain that I endeavour to feel confidence in these friendly professions.

The best comment that can be made on the correctness of this observation, is the course which I have already stated to Your Excellency's predecessor in office, the British Government may find itself compelled to take. Aware as Your Excellency is of the deep interest taken in the prosperity of Spain by the Government of Her Britannic Majesty, of its anxiety to see the cause of Her Catholic Majesty invested with all moral dignity, and of the extent of the sacrifices which that Government has already made in favour of this country; Your Excellency will acknowledge that it would only be under a profound feeling of injury, and influenced by a painful sense of duty, that instructions were given to me to request of the Spanish Government, as I did in my note of the 26th of November last, that that of Her Britannic Majesty should be relieved from the necessity of obtaining redress, through the Admiral commanding on the West Indian station.

I have, &c.
(Signed) CLARENDON.

His Excellency Don Mauricio Carlos de Onis.
&c. &c. &c.

No. 3.

The Earl of Clarendon to Viscount Palmerston.—(Received February 12.)

My Lord, *Madrid, February* 2, 1839.

I have the honour to enclose the copy and translation of a note which I have received from M. de Onis, in reply to mine of the 23d ult., a copy of which was enclosed in my despatch of the 26th ultimo to your Lordship, respecting the liberation of the negro boy Wellington, now detained at St. Jago de Cuba.

I have, &c.
(Signed) CLARENDON.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 3.

(Translation.)

M. de Onis to the Earl of Clarendon.

Sir, *Madrid, January* 31, 1839.

In answer to the note, which you were pleased to address to me on the 23d instant, by order of your Government, requesting that a negro boy called Wellington, who had been kidnapped at Montego Bay in Jamaica in 1834, and afterwards sold to an individual named Garcia, at Santiago de Cuba, should be liberated and delivered over to the British Consul at that port, I have the honour to inform you, that, under this date, I address the necessary orders to the Captain-General of the Island of Cuba, in order that he may administer justice, and cause the negro in question to be returned in the manner you indicate, should such be proper, as is to be inferred from the statement contained in your note; the principal object of Her Majesty the August Queen Regent, and of Her Government, being to accredit on all occasions their impartiality and love of justice; as also, the consideration due to the wishes of her faithful friend and ally, the August Queen of Great Britain.

I avail myself, &c.
MAURICIO CARLOS DE ONIS.

The Earl of Clarendon,
&c. &c. &c.

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No. 4.

Viscount Palmerston to Lord Clarendon.

MY LORD, *Foreign Office, February* 20, 1839.

I REFER you to my Despatch to Lord William Hervey, marked Slave Trade, of the 29th of September, 1838, stating that Her Majesty's Government accepted the offer of the Spanish Government to permit the black troops of the "Romney" hulk to go occasionally on shore; and I herewith transmit to you, for communication to the Spanish Government, a copy of a Despatch, and of its enclosures, from Her Majesty's Commissioners at the Havana, by which you will perceive that the Royal Order, to the effect proposed by the Spanish Government, had not been received by the Captain-General of Cuba, at so late a date as the 20th December, 1838.

I am, &c.
(Signed) PALMERSTON.

The Earl of Clarendon, G.C.B.,
&c. &c. &c.

Enclosure in No. 4.

Havana Commissioners, December 24, 1838.

(See Class A, No. 37, p. 100.)

No. 5.

Viscount Palmerston to Lord Clarendon,

MY LORD, *Foreign Office, March* 5, 1839.

WITH reference to my Despatch to you, Slave Trade, of the 20th ult., respecting the order promised by the Spanish Government, for permitting the black troops of the "Romney" hulk to go occasionally on shore; I herewith transmit to you a copy of a letter, and of its enclosure, from the Colonial Department, showing that, on the 18th of January last, the date of that enclosure, the troops in question had not yet been permitted to land.

I have accordingly to instruct you to ask the Spanish Government, at what time the necessary orders, on this matter, were sent to the Governor of Cuba.

I am, &c.
The Earl of Clarendon, (Signed) PALMERSTON.
&c. &c. &c.

Enclosure in No. 5.

Mr. Stephen to Mr. Backhouse.

SIR, *Colonial Office, February* 18, 1839.

WITH reference to previous correspondence, on the subject of the occasional landing of the black troops on board the "Romney," I am directed by Lord Glenelg to transmit to you, for the information of Viscount Palmerston, the accompanying copy of a despatch from the Superintendent at Havana, representing, that the restrictions in regard to the landing of the guard, had not, at the date of his Despatch, been removed.

I am, &c.
(Signed) JAS. STEPHEN.

J. Backhouse, Esq.
&c. &c. &c.

Sub-Enclosure in No. 5.

Dr. Madden to Sir G. Grey.

SIR, *Havana, January* 18, 1839.

I HAVE the honour to acknowledge the receipt of your Despatch of 5th November last, on the subject of the several applications made by Her Majesty's

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Government to the Spanish Minister, for permission for the black troops on board of Her Majesty's ship "Romney" to land occasionally; together with the correspondence and the communications, of Count Ofalia, and the Captain-General of Cuba.

The Chief Commissioners having received instructions from Viscount Palmerston to apply to the Captain-General, for the arrangement of terms eventually conceded by the Spanish Government, an application to this effect was made by the Commissioners in the past month to the Captain-General, and a reply was received, stating that no orders had yet been communicated to him by his Government, but that, whenever he received them, they should be carried into effect.

The soldiers on board the "Romney," therefore, remain subject to the same restrictions; but in the course of a week or two, should no further answer be received, I shall suggest to the Commissioners the propriety of again addressing His Excellency on this subject.

I have, &c.

Sir G. Grey, (Signed) R. R. MADDEN.
&c. &c. &c.

No. 6.

The Earl of Clarendon to Viscount Palmerston.—(Received March 11.)

My Lord, *Madrid, March* 2, 1839.

I have the honour to acknowledge the receipt of your Lordship's Despatches of the 29th January, and the 20th February.

I enclose the copy of a note, which, in conformity with the instructions contained in your Lordship's Despatch of January 29, I have addressed to M. Perez de Castro, applying for a further mitigation of the law, by which free negroes are prohibited from landing in Cuba.

I have, &c.
(Signed) CLARENDON.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 6.

The Earl of Clarendon to Don Evaristo Perez de Castro.

Sir, *Madrid, February 26th,* 1839.

Having transmitted to my Government the answer, which I received from your Excellency's predecessor, on the subject of the treatment to which British subjects, being free negroes and men of colour, are exposed on arriving, as part of the crew of British vessels trading to Cuba, I have now the honour to inform Your Excellency, that my Government, observing that, according to the last regulations on the subject, individuals of colour arriving off the island are liable to be seized and thrown into prison, on account of their colour, unless the Captain or owner of the vessel in which they arrive shall enter into a bond of 1000 hard dollars, engaging that none of the individuals in question shall come ashore, during the time the vessel remains in a port of the island, has instructed me to make an earnest application to your Excellency for the further mitigation of this law.

Did it appear that this regulation—which imposes so considerable a privation upon free and innocent individuals, repairing to Cuba for legitimate purposes, connected with the friendly communication between the dominions of other Powers and the colonies of Spain—were necessary for the internal security of the island, in that case the Government of Her Britannic Majesty would undoubtedly abstain from any complaint on the subject. Convinced, however, that no injury could possibly accrue to the colony, by permitting persons employed on board of British vessels occasionally to land, under the due surveillance of the authorities, I beg to appeal, not only to Your Excellency's sense of humanity, but likewise to that consideration which is due to the free and industrious subjects of a friendly power; and to ask Your Excellency whether it can be necessary that individuals, who are enjoying every privilege to which their fellow-countrymen are entitled, should, on their

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arriving at the shores of a friendly Power, be treated as men infected with some physical or moral pestilence.

It has become more especially incumbent upon my Government to make this application, now that slavery has been abolished in the British colonies; for it may be expected that many free negroes, as well as free men of colour, will be employed in navigating ships trading from island to island in the West Indies; and thus the Spanish law in question will every day become more and more vexatious to British commerce.

I have, &c.
(Signed) CLARENDON.

To His Excellency Don Evaristo Perez de Castro,
&c. &c. &c.

No. 7.

The Earl of Clarendon to Viscount Palmerston.—(Received March 18.)

My Lord, *Madrid, March 7th,* 1839.

I have the honour to enclose the copy of a note, which, in conformity with the instructions contained in your Lordship's Despatch of the 20th February last, I have addressed to M. Perez de Castro, informing his Excellency that on the 20th December last, the Royal Order to permit the occasional landing of the black soldiers of the "Romney" had not been received at the Havana.

I have, &c.
(Signed) CLARENDON.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 7.

The Earl of Clarendon to Don Evaristo Perez de Castro.

Sir, *Madrid, March 4th,* 1839.

With reference to Count Ofalia's note of the 31st of August last, communicating to Lord William Hervey the resolution of Her Catholic Majesty to permit the black soldiers of the "Romney," stationed at the Havana, to occasionally go ashore, under certain restrictions, and offering to transmit a Royal Order to that effect, in case of these conditions being accepted by Her Britannic Majesty's Government, and to my note of October 18th last, to his Excellency the Duke de Frias, stating that Her Britannic Majesty's Government consented to the arrangement, I have now the honour to inform your Excellency, that up to as late as the 20th December last, no such Royal Order had been received at the Havana.

I therefore take the liberty of requesting that, in the case of any omission having occurred, Your Excellency will be pleased to direct that immediate steps may be taken to correct the error.

I have, &c.
(Signed) CLARENDON.

To His Excellency Don Evaristo Perez de Castro,
&c. &c. &c.

No. 8.

Mr. Southern to Viscount Palmerston.—(Received April 1.)

My Lord, *Madrid, March 23rd,* 1839.

In conformity with the instructions contained in your Lordship's Despatch, marked Slave Trade, of the 5th instant, I have addressed a note to M. Perez de Castro (of which I have the honour to enclose a copy), requiring to know the time

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when the Government of Her Catholic Majesty sent out orders to the Captain General of Cuba, to permit the black troops of the "Romney" occasionally to go on shore.

I have, &c.
(Signed) HENRY SOUTHERN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 8.

Mr. Southern to M. Perez de Castro.

SIR, *Madrid, March 20th*, 1839.

With reference to a note, which the Earl of Clarendon addressed to Your Excellency, on the 4th instant, stating that the order which Her Catholic Majesty's Government had engaged to transmit to the Captain-General of Cuba, for permitting the black troops of the "Romney" to go occasionally on shore, had not been received by that officer on the 20th of December last, I have now the honour to inform Your Excellency, that, even up to the 18th January, the troops in question had not been allowed to land. I have accordingly been instructed by my Government to ask Your Excellency, at what time the necessary orders on this matter were sent to the Governor of Cuba.

I have, &c.
(Signed) HENRY SOUTHERN.

His Excellency Don E. P. de Castro,
&c. &c. &c.

No. 9.

Viscount Palmerston to Mr. Southern.

SIR, *Foreign Office, April* 12, 1839.

You will perceive, from the accompanying papers, that the Captain-General of Cuba has declined to make public the Royal Order of Madrid, of the 2nd of November, 1838, directing him to adopt the most efficacious means for putting an end to the contraband trade in slaves in Cuba.

You will communicate to the Spanish Government the substance of these papers, and urge them to signify the commands of Her Catholic Majesty to the Captain-General, for the immediate publication of this order.

You will point out to the Spanish Minister the unsatisfactory nature of the reason, which the Captain-General assigns for not publishing the order, and which amounts to this, that, because the order specifically applies to Cuba, it is therefore unfitting that the people of Cuba should be made aware of its existence.

It is not, however, by a tardy and reluctant publication of the royal order, unaccompanied by corresponding measures, that the Captain-General will effectually carry into execution the intentions of his Sovereign.

The Slave Trade of Cuba still increases, notwithstanding the solemn compact which Spain has entered into with Great Britain for its utter extinction, and notwithstanding the repeated orders, publicly given by the Sovereign and Government of that country, faithfully to execute that compact.

The fact is, that these orders, even when published, are rendered powerless against the Slave Trade of Cuba, by the determined supineness of the local authorities; and the Treaty, and all laws for fulfilling it, must obviously be ineffective towards putting down the trade in Cuba, until the authorities of that island shall evince an honest determination to fulfil the expressed commands of their Sovereign, by punishing those who transgress those commands. You will therefore, in pressing the Government of Spain to issue orders for the due publication of the Decree against Slave Trade, call their attention to the fact, which the correspondence of the Havana Commissioners already communicated to you amply shows, that these royal orders, even when promulgated, have not been carried into effect; and that the

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honour of the Spanish Crown, and the character of good faith attached to the Spanish name, require, that the Royal word should not any longer be suffered to remain, as it now is in Cuba, null, and of no effect.

I am, &c.

Henry Southern, Esq., (Signed) PALMERSTON.
&c. &c. &c.

First Enclosure in No. 9.

Havana Commissioners' Despatch, of February 4th, 1839.

(See Class A. No. 45, page 115.)

Second Enclosure in No. 9.

Mr. Stephen to Mr. Backhouse.

SIR, *Colonial Office, April 5*, 1839.

I AM directed by the Marquis of Normanby to transmit to you herewith, for the information of Viscount Palmerston, copy of a letter from Her Majesty's Superintendent at Havana, representing that the instructions, or Royal Orders, obtained from the Spanish Government at the instance of Her Majesty's Ministers, and intended to have effect at Havana, are wholly inoperative there, whenever they are at variance with the interests of the Slave Trade; and adducing, in support of that statement, the fact, that the last Treaty entered into between the two Powers for the suppression of the Slave Trade has been deprived of its great value, in consequence of the proposed penalty for the infraction of the Treaty never having been promulgated at Havana.

I have, &c.
(Signed) JAS. STEPHEN.

J. Backhouse, Esq.
&c. &c. &c.

Sub-Enclosure in No. 9.

Dr. Madden to Lord Glenelg.

MY LORD, *Havana, February 27th*, 1839.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 15th December, on the subject of the insufficiency of the reasons proposed for the removal of the "Romney," in the Despatch of Her Majesty's Judge, on the 10th of August last. The black troops on board that vessel, I regret to have to state to your Lordship, are still prevented from coming on shore.

Another application was made in the preceding week to the Captain-General on this subject, by Captain Henderson, of Her Majesty's ship "Edinburgh." The reply of the Captain-General was, that he had received no instructions on the subject from his Government. In fact, any instructions or royal orders obtained from our Government from the Spanish, that are supposed here to be at variance with the interests of the Slave Trade, are wholly inoperative, and of no effect. Though desirous of avoiding to enter into any matters, the notice of which belongs to the department of Her Majesty's Commissioners, in proof of the utter disregard paid here to those instructions to the Captain-General, obtained with so much difficulty from the Spanish Government, I may be permitted to state, with respect to the recent Royal Decree, addressed at the instance of Lord Palmerston to the authorities here, to carry into effect the alleged *bonâ fide* desire of the Spanish Government to prevent the introduction of bozal negroes, under any flag, into this Island, that the Captain-General has refused the Commissioners to publish that order in the public papers, on the ground of its being opposed to the public interest of this place so to do.

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Further, I might adduce the fact, that the new Treaty of 1835 has been deprived of its great value, in consequence of the promised penalty of the infraction of this Treaty never having been promulgated here up to this period.

I have, &c.

The Right Hon. Lord Glenelg, (Signed) R. R. MADDEN.
&c. &c. &c.

No. 10.

Viscount Palmerston to Mr. Southern.

SIR, *Foreign Office, April 12th,* 1839.

WITH reference to my previous correspondence with Her Majesty's Envoy at Madrid, respecting British negroes kidnapped and held in slavery in Cuba, I herewith transmit to you copies of a communication, which I have received upon this subject from Her Majesty's Consul at Havana.

You will make use of the contents of this communication, in order to strengthen such representations as you may have to make to the Spanish Government, to induce it to give orders, that the kidnapped negroes may be given up, and that Spanish subjects, convicted of being concerned in kidnapping them, may be duly punished.

I am, &c.
(Signed) PALMERSTON.

Henry Southern, Esq.,
&c. &c. &c.

Enclosure in No. 10.

Mr. Tolmé to Viscount Palmerston.—Havana, December 4th, 1838.
(See No. 18, page 21.)

No. 11.

Mr. Southern to Viscount Palmerston.—(Received April 15.)

MY LORD, *Madrid, April 6th,* 1839.

I HAVE the honour to enclose to your Lordship the copy and translation of a note, which I have received from M. Perez de Castro, in answer to the Earl of Clarendon's note of the 4th, and mine of the 20th, ultimo, addressed to His Excellency, requiring to know when the orders were transmitted by this Government to the Captain-General of Cuba, to allow the black soldiers of the "Romney" to go ashore occasionally.

Your Lordship will perceive, that the order has never been sent, and that with a view of repairing the omission as far as laid in his power, M. Perez de Castro requested to learn from me, if I had any means at my command, of procuring the conveyance of this order to its destination, in some more expeditious manner than by the Spanish post.

Although I could not assure His Excellency that I had, I was too apprehensive of further delay or neglect, not to avail myself of the offer, in order to obtain possession of a duplicate of the Instructions.

I accordingly wrote to M. Perez de Castro the note, of which I have the honour to enclose a copy, and have this day received a letter addressed to the Captain-General of Cuba, which His Excellency has informed me contains the orders in question. This letter I have the honour to transmit to your Lordship.

I have the honour to be, &c.
(Signed) HENRY SOUTHERN.

His Excellency Viscount Palmerston, G.C.B.
&c. &c. &c.

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First Enclosure in No. 11.

M. Perez de Castro to Mr. Southern.

SIR, *Madrid, April 3rd,* 1839.

HAVING had the honour of receiving the notes, which my Lord the Earl of Clarendon and you were pleased to address to me on the 4th and 20th ult., stating that the order which Her Majesty's Government offered to send to the Captain-General of the Island of Cuba, to allow the black soldiers on board the "Romney" hulk, stationed at the Havana to go on shore occasionally, under certain restrictions, had not yet been received by that authority in January last, I ordered that I should be immediately made acquainted with this affair. Having minutely examined all the papers, I have observed with regret, that the communication which ought to have been made to the above Captain-General, in consequence of the British Government having accepted the conditions expressed in the Count of Ofalia's note of 31st August last, was not forwarded; this omission arising as I have clearly perceived, from the change of the ministry, which has subsequently prolonged the involuntary error.

Having therefore discovered this delay, I have the honour to inform you, that I have given instructions that, by the first packet that sails for the Havana, a peremptory order shall be sent to that Captain-General, acquainting him that it is Her Majesty's desire, in just deference to the wishes expressed by the Government of Her Britannic Majesty, that he shall permit the above-mentioned black soldiers to land, under the conditions consented to by the said Government, as a marked proof of the high consideration, which Her Majesty entertains of the loyal and singularly estimable conduct, observed towards Spain by her intimate Ally, the Queen of Great Britain.

But, desirous to make up as far as possible, for the time which has been lost through an involuntary accident, and to find the most expeditious means of the said order arriving with all celerity at its destination, I beg you will be pleased to inform me if you possess any medium more rapid than the Spanish packet, in order that, in this event, I may have the honour of transmitting to you the said order, for the purpose of your causing it to reach the hands of the Captain-General of the Island of Cuba.

I avail myself, &c.

(Signed) EVARISTO PEREZ DE CASTRO.

The British Chargé d'Affaires,
&c. &c. &c.

Second Enclosure in No. 11.

Mr. Southern to Don Evaristo Perez de Castro.

SIR, *Madrid, April 5th,* 1839.

I HAVE the honour to acknowledge having received this evening your Excellency's note, dated the 3rd instant, respecting the involuntary omission, which has taken place, in the communication of Her Catholic Majesty's orders to the Captain-General of Cuba, respecting the occasional landing of the black soldiers of the "Romney" hulk, in the port of the Havana.

I feel certain that I do not venture too much in assuring your Excellency, that my Government will duly appreciate your Excellency's anxiety to repair the consequences of the unintentional neglect that has occurred; and I hasten to inform your Excellency that, if it should suit your convenience to confide to my hands a duplicate of Her Catholic Majesty's orders to the Captain-General of Cuba, I will, by the extraordinary courier of to-morrow night, transmit it to Her Britannic Majesty's Secretary of State for Foreign Affairs, and I have no doubt that his Lordship will have at his disposal speedy means of conveying the Despatch to the Havana.

I have, &c.

(Signed) HENRY SOUTHERN.

His Excellency Don Evaristo de Castro.
&c. &c. &c.

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No. 12.

Viscount Palmerston to General Alava.

THE Undersigned, &c., has to inform General Alava, &c., that Her Majesty's Government have fully considered the note which, on the 28th of March, 1838, M. d'Aguilar addressed to the Undersigned, respecting the conduct of Lieutenant Bosanquet, of her Majesty's ship "Leveret," towards the Spanish slave vessel "*Diogenes*," in the harbour of Moçambique. In that note M. d'Aguilar states, that the Spanish Government have learnt with satisfaction, that Her Majesty's Government have admitted the principal facts alleged against Lieutenant Bosanquet, and that orders have been issued to prevent the recurrence of similar irregularities in future.

But M. d'Aguilar proceeds to state, that this declaration will not be considered sufficient; and that the law of nations, as well as common law, requires reparation for the offence offered to the flags of Spain and Portugal, and for the injury suffered by the captain and owners of the "*Diogenes*:" And M. d'Aguilar, on this last-mentioned ground, requires, in his note, that Her Majesty's Government shall admit a claim, preferred by the owner of the "*Diogenes*," for the sum of 181,855 dollars, as compensation for the losses, and damages, occasioned to him in consequence of the detention of his vessel at Moçambique by Lieutenant Bosanquet.

In answering this demand, the Undersigned thinks it necessary to take a brief review of the circumstances, under which the alleged insult towards the Spanish flag, and the alleged injustice towards Captain Peoli, took place.

It appears, from Lieutenant Bosanquet's official report, that on the 9th September, 1836, in latitude about 25° south, and longitude 44° 30′ east, the boats of Her Majesty's ship "Leveret" were sent to board a brig under Spanish colours, suspected of being engaged in the Slave Trade; that those boats were fired upon when within a few yards of the brig, and were repulsed with the loss of one man killed and three men wounded; that Lieutenant Bosanquet proceeded to Moçambique, and communicated these facts to the local authorities, and requested, that if the piratical brig which had committed the offence should touch at Moçambique, she might be detained; that on the 25th of the same month of September, 1836, a brig, to all appearance the same which had fired upon the boats of Her Majesty's ship "Leveret," was seen off the bar of Moçambique; and that Lieutenant Bosanquet, actuated by an anxiety to prevent the escape of her crew, ran alongside of her, and immediately took possession of her; and that the brig thus taken possession of proved to be the "*Diogenes*," bound from the Havana, and carrying 8 guns and 56 men.

It further appears, that the brig was fitted for the reception of slaves, her crew having been seen to throw the large boilers overboard, whilst the "Leveret's" crew were in the act of boarding her: And although M. d'Aguilar asserted, from information communicated to him, that Lieutenant Bosanquet was obliged to acknowledge that neither the "*Diogenes*" nor her boats, nor her crew had attacked the boats of the "Leveret" at sea, the papers transmitted by Lieutenant Bosanquet directly contradict that information; and prove, that the captain and crew of the "*Diogenes*" were recognised by the officers and men of the "Leveret," as being the very same individuals who had fired upon the boats of the "Leveret;" and one of the men belonging to the "*Diogenes*," when accused of having been concerned in the attack, answered, that he was below in the "*Diogenes*," when the firing from that vessel into the boats of the "Leveret" took place.

The statement, which M. d'Aguilar transmitted to this office, contains an assertion, that Her Majesty's ship "Leveret" killed several of the crew of the "*Diogenes*." This assertion, however, is positively denied by Lieutenant Bosanquet; and it is not borne out by the evidence taken before the authorities of Moçambique; for that evidence specifies the nature of the hurts received by each person on board the "*Diogenes*;" and no mention is made in that evidence of the death of any one of the crew. On the other hand, it is stated by Lieutenant Bosanquet, that he had given orders, that no violence should be employed in taking possession of the vessel; and he adds, that the only fire-arm made use of by the boarding party was a pocket-pistol, which was discharged once, and without effect. It is, however, admitted, that a black man did use some violence in securing the Spanish crew below; but that man was punished by Lieutenant Bosanquet for having so misconducted himself.

After these proceedings, the "*Diogenes*" was forcibly taken possession of by the Portuguese authorities.

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Upon full consideration of these circumstances, the Undersigned has to request, that General Alava will state to his Government, that Her Majesty's Government does not think, that there is sufficient reason to require, that it should make any further reparation for the offence committed against the flags of Spain and Portugal; and it does not consider it necessary to give any compensation for any losses, which may have been sustained by the owners of the slave vessel "*Diogenes*."

Her Majesty's Government, on the contrary, have demanded from the Portuguese Government, that the Spanish piratical slave vessel "*Diogenes*," now held in deposit by the Portuguese authorities, shall be given up, together with her crew, to the British Government, for the purpose of being sent to Sierra Leone, in order to be there tried for slave trading, by the Mixed British and Spanish Court of Justice established at that place; and the Undersigned is persuaded, that the sense of honour and the love of justice, which so invariably characterize the conduct of the Spanish Government, will lead that Government to join its efforts to those of Her Majesty's Government, for the purpose of inducing the Portuguese Government to comply with the just demand of Her Majesty's Government in this matter.

The Undersigned, &c.,
(Signed) PALMERSTON.

Foreign Office, 22nd April, 1839.

To General Alava.
&c. &c. &c.

No. 13.

General Alava to Viscount Palmerston.

El infrascrito, Enviado Extraordinario, y Ministro Plenipotenciario de Su Magestad Católica cerca de Su Magestad Británica, tiene la honra de acusar à Su Excelencia my Lord Palmerston, Principal Secretario de Estado de Negocios Estrangeros de Su Magestad Británica, el recibo de la nota que se ha servido dirigirle, con fecha 22 del corriente, en contestacion à la del Señor Don Manuel Maria Aguilar, de 28 de Marzo de 1838, relativa a la conducta observada en el Puerto de Mozambique, por el Teniente de la marina real Inglesa, y Comandante de bergantin de guerra "Leveret," contra el bergantin mercante Español "*Diogenes*," su Capitan Don Juan Peoli.

Refiriendose à las comunicaciones trasmitidas al Gobierno Británico por Mr. Bosanquet, se manifiestan en la nota à que contesta el infrascrito, las circumstancias que precedieron à la captura del Diogenes; deduciendo de ellas el Gobierno de Su Magestad Británica, que no tan solo no cree hallarse en el caso de deber ofrecer una reparacion por el insulto cometido contra el pabellon Español y Portugués, y una indemnizacion à los propietarios del referido Bergantin Español; sino que, por el contrario, ha creido justo solicitar del Gobierno Portugués la entrega de aquel, para que, enviado à Sierra Leone, sea juzgado por la Comision, alli establecida.

Es de tal naturaleza la contradiccion, que desde luego se observa entre los papeles y documentos presentados por el Capitan del "*Diogenes*" y los informes del Teniente Bosanquet, que el infrascrito se ve obligado à referirse à su Gobierno, al que se apresura a communicar la mencionada nota de Su Excelencia, para que, recayendo la resolucion que sea conveniente, pueda decidirse este asunto, segun los principios de justicia y de derecho, que Su Excelencia my Lord Palmerston reconoce ser tan proprios del Gobierno de Su Magestad Catòlica, y de los cuales nunca se desira este, cuando se dirige à la justificada imparcialidad de un Gabinete amigo, como lo es el de Su Magestad Británica.

El infrascrito aprovecha, &c.
(Signed) MIGUEL DE ALAVA.

81, *Harley Street, Abril* 26, *de* 1839.

Al Excelentisimo Señor Vizconde de Palmerston,
&c. &c. &c.

(Translation.)

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of Her Catholic Majesty to Her Britannic Majesty, has the honour to acknowledge to Lord

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Viscount Palmerston, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, the receipt of the note which he was pleased to address to the Undersigned on the 22nd instant, in reply to that of Don Manuel Maria de Aguilar of the 28th of March, 1838, relative to the conduct observed in the Port of Mozambique by a Lieutenant of the Royal English Navy, and Commander of the brig "Leveret," against the Spanish merchant brig "*Diogenes*," Captain Don Juan Peoli.

In reference to the communication transmitted to the British Government by Mr. Bosanquet, the note to which the Undersigned is now replying, sets forth the circumstances which preceded the capture of the "*Diogenes*," from which the Government of Her Britannic Majesty infers, that it not only needs not consider itself bound to offer a reparation for the insult committed against the Spanish and Portuguese flags, and an indemnity to the owners of the said Spanish brig, but that, on the contrary, it has deemed it right to apply to the Portuguese Government for the surrender of the latter, that she may be sent to Sierra Leone and be adjudicated by the Commission there established.

So great is the contradiction observable on the very first glance between the papers and document presented by the Captain of the "*Diogenes*" and the reports of Lieutenant Bosanquet, that the Undersigned finds himself under the necessity of referring to his Government, to whom he is going, without delay, to communicate the above note of his Lordship's, to the end that, after the proper resolution shall have been promulgated, this transaction may be decided, according to the principles of justice and law, which Lord Palmerston acknowledges to be respected by the Government of Her Catholic Majesty, and which it always keeps in view, when it addresses itself to the well known impartiality of a friendly Government, such as that of Her Britannic Majesty.

The Undersigned, &c.
(Signed) MIGUEL DE ALAVA.

81, *Harley Street*, *26th April*, 1839.

The Right Hon. Viscount Palmerston, G. C. B.,
&c. &c. &c.

No. 14.

Mr. Southern to Viscount Palmerston.—(*Received April* 29.)

My Lord, *Madrid, April* 20, 1839.

With reference to Lord William Hervey's despatches of the 14th, 15th, 21st, and 28th of July, of last year, to your Lordship, I have the honor to enclose a copy and translation of a note, which I have received from M. Perez de Castro, communicating the result of the inquiries, directed to be instituted at Cadiz, respecting the vessels "*Veloz*" and "*Marinero*," which, it had been alleged, were fitting out for the Slave Trade.

I have, &c.
(Signed) HENRY SOUTHERN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 14.

(Translation.) *M. Perez de Castro to Mr. Southern.*

Sir, *Madrid, April* 12, 1839.

Under date of the 14th of June, 15th and 21st of July of last year, Count Ofalia had the honour to state to Her Britannic Majesty's Legation at this Court, that the Spanish Government, always anxious for the faithful observance of the Treaties between this country and Great Britain, had issued the most peremptory orders for instituting an inquiry into the facts, denounced to this Office by the said Legation, as having been committed by the owners of the Spanish vessels "*Veloz*" and "*Marinero*," in contravention of the Treaty relative to the abolition of the Slave Trade, concluded between both nations in 1835, and for their punishment if guilty.

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The naval authorities, to whom these orders were given, have been as diligent and scrupulous in discharging them as Her Majesty desired, and as appears by the testimony of what has been done in Cadiz on the subject, transmitted by the Commandant-General of Marine of that department, in an official letter of 28th of August last, of which I have the honour to enclose a copy. From the above testimony it is proved, that the brigs "*Veloz*" and *Marinero*" left Cadiz for the Havana in the middle of 1837, with all their papers in order, and that these vessels have not again presented themselves in the Bay, nor others with their names. However, some of the circumstances, which gave cause to suspect the aforesaid vessels, concurring in the Portuguese vessel "*Veterano*," and the Spanish one "*Feroz Africano*," both cleared out for Gallinas, loaded with provisions and goods, at the period cited by Lord William Hervey, an endeavour was made to find out if these vessels were the perpetrators of the crime imputed to the "*Veloz*" and the "*Marinero*;" but, notwithstanding the zeal displayed in attempting to discover the truth of the affair, nothing appears to have been proved to confirm legally the crime, the punishment of which has been solicited by Her Britannic Majesty's Legation, in notes of the 22nd June, 11th and 17th July last.

This brief explanation of the result of the diligent inquiry entered into in consequence of the aforesaid complaints, will, I hope, convince you that Her Majesty's Government and their authorities have not omitted any measure within their power, in order to discover the truth of the facts relative to the above-mentioned two vessels, and of the impossibility of clearing up this affair, in consequence of their having already sailed with their papers in order.

I avail myself, &c.

(Signed) EVARISTO PEREZ DE CASTRO.

The British Chargé d'Affaires,
&c. &c. &c.

Second Enclosure in No. 14.

(Translation.)

Don Jozé Rivero to the Minister of Marine.

Commandancy General of Marine—Department of Cadiz.

MOST EXCELLENT SIR, *St. Fernando, August* 28, 1838.

I HAVE taken up, with the delicacy and efficacy which they of themselves require, the fulfilment of the Royal Orders of 24th June last, communicated by Your Excellency on the 26th, and that of the 25th of the following month, as an ampliation of the first, designated as *secret*, with respect to inquiring into the facts stated in the note of Her Britannic Majesty's Ambassador at this Court, and which Your Excellency was pleased to accompany with the said Royal Orders, regarding the class of commerce in which the vessels "*Veloz*" and "*Marinero*" are engaged, denounced as being employed in the illicit traffic of slaves, prohibited by the treaties concluded between the British and Spanish nations. In order to execute with the delicacy, care, and scrupulous reserve which the matter demands, the above-mentioned Royal Resolutions, I commissioned the Captain of the Navy, Don Pedro Micheo, to institute a secret inquiry, and investigate by all the means which his zeal might suggest, the whole subject, comprehended in the aforesaid notes; and, at the same time, I addressed an official communication to the Commandant-General of the Province, in order that, as President of the Board of Commerce of Cadiz, he might separately inform me regarding the contents of the notes, of which I transmitted a copy; and his answer is enclosed. From it, and the process which was afterwards ampliated on receipt of the Royal Order of 25th July above mentioned, Your Excellency will be convinced of the impossibility of investigating such occurrences, when it is attempted after the vessels have put to sea, in which case it being only possible to acquire with certainty a knowledge of the lading registered, place they are bound for, and correctness of their outfit, as regards crew and naval objects for security at sea; but if, under cover of the above articles, deceiving the vigilance of those appointed to guard against contraband, and everything opposed to licit commerce, they put on board things which may induce suspicion, that the object of their voyage may be distinct from that for which the vessels have cleared out, in this case I consider it as difficult to get at the truth, without surprising them in the proper time, as it is to penetrate the secret

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intentions of a man. Under this impression, and adhering in all to what results from the original process, which I herewith transmit to Your Excellency, I can assure you that it is all that it is possible to ascertain, in consequence of the lapse of time since the facts stated by Her Britannic Majesty's Ambassador occurred; all which I have the honour to submit to the consideration of Your Excellency, in observance of the said royal mandates, in fulfilment of my duty, and that Your Excellency may be pleased to instruct me regarding the determination adopted in this important matter.

God preserve, &c.

(Signed) JOZE PRIMO DE RIVERO.

His Excellency the Minister of Marine,
&c. &c. &c.

No. 15.

Mr. Henry Southern to Viscount Palmerston.—(Received May 13th.)

My Lord, *Madrid, May 4th,* 1839.

I have had the honour to receive your Lordship's Despatches of the 12th ultimo. In conformity with the instructions contained in the former of these Despatches, I have addressed a note to M. Perez de Castro, of which I have the honour to enclose a copy to your Lordship, urging the Spanish Government to issue orders to the Captain-General of Cuba, for the publication of the Royal Decree of Madrid of the 2nd November, 1838, directing him to adopt the most efficacious means for putting an end to the contraband trade in Slaves in Cuba.

I have, &c.

(Signed) HENRY SOUTHERN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 15.

Mr. Southern to Don Evaristo Perez de Castro.

Sir, *Madrid, May 2nd,* 1839.

It is with profound regret that I inform your Excellency, that I find myself instructed to represent to the Government of Her Catholic Majesty, that in defiance of the solemn Treaties which have been celebrated between the kingdoms of Great Britain and Spain, for the suppression of the inhuman traffic in African slaves, this commerce is still carried on to a dreadful extent in the Island of Cuba, and that the importation of these unfortunate beings into that colony is daily increasing.

Your Excellency is well aware, that by two Treaties the Crown of Spain is bound to put down this disgraceful trade in the Spanish Dominions. In consideration of the first Treaty referred to, the English nation paid a large sum of money to the late King of Spain; it was, however, found defective, and the generous and benevolent sentiments of the Government of Her Catholic Majesty, under a more enlightened system of policy, alone sufficed to induce Her Majesty the Queen Regent to conclude a new Treaty, in order to supply the deficiencies of the previous one.

But a Treaty is worthless, unless the Executive Government resolves to carry its provisions into effect with good faith, or if it has not the force, or the resolution, to insist upon the obedience of the authorities who act under it.

Her Britannic Majesty's Government is far from doubting either the good faith or the benevolent intentions of that of Her Catholic Majesty; on the contrary, there exist convincing proofs, that the mother country views with abhorrence a traffic, which, while it is the disgrace of the community which protects it, is the bane of the colony which snatches, through its means, at a momentary advantage. But, whether arising from the effects of powerful local influence, or from the beneficent feelings of Her Catholic Majesty's Government not being shared by persons employed in the colonies, certain it is, that the authorities whose business it is to carry into execution the orders of the Queen of Spain in Cuba, do not, with respect

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to this trade, discharge their functions with that efficacy which always attends the efforts of men, acting under the dictates of honest determination, and a sincere desire to perform their duty.

I will recount to your Excellency a few cases of the landing of newly enslaved Africans in Cuba, and confine myself to the first week in January last:—

On the 3rd of that month the Portuguese ship "*Amalia*," which was formerly well known as a Slave-ship, when under Spanish colours, and then named the "*Cavalho Marino*," entered the harbour of Havana, having a short time previously landed more than 500 slaves on the coast.

On the 4th of the same month, the Portuguese schooner "*Felicidade*" entered the same harbour, having also, a few days previously, landed about 250 slaves on the coast.

On the 7th of January last a ship, which only four months previously sailed from that harbour under American colours, then called the "Venus," returned as the "*Duqueza de Braganza*," and under the Portuguese flag, though there is ample reason to believe, that no valid transfer of the vessel was effected. This ship it is, I fear, indisputable, carried to Cuba the disproportionate number of 860 slaves from the coast of Africa.—Eight hundred and sixty miserable human beings having been cooped up in a ship, during the long and perilous voyage from the coast of Africa to the shores of Cuba!

The vessel "*Amalia*," to which I first referred, took in her miserable cargo at Madagascar, above 700 in number, of whom no fewer than 200 died on the voyage.

I cannot advert to these facts without horror, and I well know, that the succinct relation which I have felt myself bound to make of these atrocities, will afflict the benevolent feelings of Your Excellency. And yet this short extract from the annals of this horrid traffic, comprises only the occurrences of one week!

These facts, my Government has reason to believe, are well known to all the officers of the local administration of Cuba. But surely they cannot have reached the ears of the Captain-General of the Island, much less those of Her Majesty the Queen Regent. Most undoubtedly the Government of Her Catholic Majesty, whether under the presidency of Your Excellency or of any other liberal and enlightened Spaniard, could not do otherwise than look with grief and indignation on this continued violation, not only of the solemn compacts concluded between Great Britain and Spain, but of all the laws, human and divine, that we are universally taught to respect.

It is a poor subterfuge to say, as has been alleged, that in the present case the malefactor was Portuguese, and not Spanish. The evil-doer is of no country,—he violates the laws of all,—the Portuguese murderer is hanged by the laws of Spain, and there is no murder so cruel, no torture so exquisite, or so painfully prolonged, as that inflicted by the slave dealer upon his human cargo.

If Your Excellency will be pleased to consult the archives of your office, it will be seen that these complaints are far from new. Previous to the year 1835, in spite of the Treaty of 1817, the number of vessels fitted out in Cuba, for the Slave Trade, daily increased, and scarcely a month passed that this Legation was not instructed to lay the facts, proving this lamentable state of things, before the Spanish Government. At length the Treaty of 1835 was concluded, and it was hoped that the new clauses introduced into it, would have sufficed to produce some mitigation in this branch of human suffering. But zeal, and a determination to act up to the solemn engagements of the government, have been wanting on the part of Spanish agents. There has been a too easy leaning to popular prejudices or unfounded apprehensions, on the part of the authorities of the Queen of Cuba, on whom the pleadings of interested persons have had more influence, than a respect for the laws of humanity, or the dictates of national honour.

Some portion of blame, I regret to state, must also rest upon the Government of Her Catholic Majesty itself. The Second Article of the Treaty of 1835, provides, that within two months after the exchange of ratifications, there shall be promulgated throughout the dominions of Her Catholic Majesty a penal law, inflicting a severe punishment on all those, Her Majesty's subjects, who shall, under any pretext whatsoever, take any part whatever in the traffic in slaves: This Article is even to this day unexecuted. Numerous are the promises which the Government of Her Catholic Majesty has made to this Legation on this subject; but not one has hitherto been fulfilled. This important omission is considered by well informed persons on the spot, as one of the principal causes of the obstinate perseverance of Spanish subjects, in fitting out ships for these abominable enterprises.

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On the other hand, my Government is far from being unwilling to acknowledge, that the best intentions have animated the Government of the metropolis; but of what avail are Royal Orders, issued to authorities who do not regard them? of what avail are the best instructions, issued to persons whose system is a total neglect of them?

The Government of Her Catholic Majesty, in the Royal Order of 2nd November last year, transmitted to the Captain-General of Cuba, directed him to adopt the most efficacious means for putting an end to the contraband trade in slaves at Cuba. This order does credit to the principles of honour and benevolence, which animate the Government of Her Catholic Majesty; it is an order which the authorities, acting under Her Catholic Majesty in that island, ought to have been proud to publish, and resolved to act upon. It nevertheless has not been permitted to see the light.

The Commissioners of the Mixed Court at the Havana, have applied to the Captain-General, requesting that he would make the order I have alluded to public, in the customary manner. His Excellency has refused to do so, assigning a reason which amounts to this; that because the order specifically applies to Cuba, it is therefore unfitting that the people of Cuba should be made aware of its existence.

I am instructed to urge upon Your Excellency the necessity of this order being immediately published, in the usual manner; and at the same time to observe, that it is not by a tardy and reluctant publication of the Royal Order, unaccompanied by corresponding measures, that the Captain-General will effectually carry into execution the intentions of his Sovereign.

These orders, when published, are rendered powerless against the Slave Trade of Cuba, by the determined supineness of the local authorities; and the Treaty, and all laws for fulfilling it, must obviously be ineffective, until the authorities of the island shall evince an honest determination, to carry into effect the expressed commands of their Sovereign, by punishing those who transgress these commands.

In conclusion, I beg to solicit Your Excellency's most serious attention to this grave and important subject; and most earnestly to request that some immediate steps may be taken upon it. Every hour lost is productive of misery and death. The honour of the Spanish Crown is concerned in the question; the character of good faith attached to the Spanish name is placed in doubt; the Royal word ought no longer to remain, as it now is in Cuba, a mere nullity, when it is not made a pretext for hypocrisy.

I have, &c.
(Signed) HENRY SOUTHERN.

Don Evaristo Perez de Castro,
&c. &c. &c.

No. 16.

Viscount Palmerston to Mr. Southern.

SIR, *Foreign Office, May* 18, 1839.

I HAVE received your Despatch, marked Slave Trade, of the 4th instant, enclosing copy of a note to the Spanish Minister, urging him to issue orders to the Captain-General of Cuba, for the publication of the Royal Decree of Madrid, of the 2nd of November, 1838, for putting an end to the contraband trade in Slaves in Cuba:

And I have the satisfaction of informing you, that I entirely approve of the note in question.

I am, &c.
(Signed) PALMERSTON.

Henry Southern, Esq.,
&c. &c. &c.

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SPAIN. (*Consular.*)

No. 17.

Mr. Tolmé to Viscount Palmerston.—(*Received January* 12, 1839.)

My Lord, *Havana, 28th November,* 1838.

I have the honour to transmit to your Lordship a copy of the list of vessels, supposed to be engaged in the Slave Trade, despatched from, and arrived at, this port in the month of October, as supplied to Her Majesty's Commissioners, after the correction of some defects, which they were enabled to point out.

Of the vessels that left, the "*Florida*" and "*Hasard*" were under the American flag. Both arrived here from Baltimore, the one to the firm of Man Lanedo Alrisqueta and Co., by whom she was afterwards cleared out, the other to that of Arrangon Doostent, and Co., by whom she was sold to Mr. Manegat, a name that already figures in the correspondence of the Commissioners. In order to trace, as far as possible, the connexion between the builders or purchasers in the United States, and the fitters-out in this place, of such vessels, I have written to our Consul, Mr. Mac Tavish, requesting him to furnish me with all the information which he can procure on the subject, and shall, at the proper season, wait on your Lordship with his reply. The "*Vigilante,*" the "*Sin Ygual,*" and the "*Amalia,*" are the same ships that arrived in September and October. Of the vessels that landed cargoes in October, the principal number are among those already denounced by Her Majesty's Commissioners, as engaged in the Slave Trade. They all discharged on the south side of the island; part at Guaniman, part near Trinidad. Another Portuguese brig also arrived here in October, strongly suspected of having been engaged in the Slave Trade, the "*Escorpion;*" but as she came in ballast from St. Jago, whence she had regularly cleared from this place, I have deferred to include her in my report, until I receive a list, promised me by Mr. Consul Hardy, of all vessels that have landed slaves in his district, wherein she will no doubt be found.

My agent in Matanzas has not heard of any arrival in that neighbourhood during the month of October. The persons to whom I had applied for information on such subjects in Trinidad have declined giving it, fearful of making themselves inimical to their neighbours; but I expect, before another month passes, to meet with a correspondent bold enough to furnish the intelligence I require.

Mr. Consul Hardy promised me, as I have observed above, the desired notices from St. Jago; and I have no doubt of being able to procure, if not interfered with, information on these points from all parts of the island.

The Spanish schooner "*Salomé,*" or, as she is sometimes called, "the *Nueva Amable Salomé,*" which arrived here from the Coast in September, has proceeded with a cargo of produce to New Orleans. I have requested Mr. Consul Crawford to watch and apprize me of her future movements.

We have now here two vessels (British) condemned by the Mixed Tribunal at Sierra Leone, both bound to Vera Cruz, with cargoes from Cadiz. The one, the "*William Forster,*" formerly the "*Iberia,*" is no doubt *bonâ fide* English property; she has been raised upon, sails no more so well, and is, to all intents and purposes, a merchant ship, to be employed only in legitimate commerce; the other is the "*Arrogante,*" formerly the "*Urraca,*" and belongs, by the showing of her register, to Mr. Zulueta, a Spanish merchant in London, but she is chartered by the well-known firm of P. Martinez and Co., of this place, or their partner, Mr. P. Martinez, of Cadiz; and, as she is considered to be a

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remarkably fast sailer, on which subject Lieutenant Luze, whose packet "Penguin" was in company with her for a day or two, can report, I shall not be surprised to see her again in her old career; and I have therefore requested Her Majesty's Vice-Consul in Vera Cruz, to which place she will probably proceed even before the blockade of the Mexican ports is raised, to keep an eye upon her, and I may consequently have occasion to advise your Lordship on her future course.

I took leave, in my Despatch, Slave Trade, of the 27th February, to mention the number of Portuguese, all or nearly so, slavers, which had cleared from this port and arrived here up to June, and would now add, that, in the memoirs of the Patriotic Society it is stated that,

There came in,		and sailed
in July,	2,	6.
August,	4,	7.
September	5,	2.
October	6,	3.

Portuguese vessels. These numbers differ but little from those of the specified lists which I have furnished to Her Majesty's Commissioners, and prove the approximate correctness of my returns.

They prove also, I regret to say, that the Slave Trade is continued here to the same extent as before; and indeed, unless the Government of Spain interfere earnestly and in good faith, nothing but physical opposition on the part of our navy, together with that moral influence which Her Majesty's Commissioners may exercise over this community, by the gradual propagation of enlightened views on the subject, will ever put an end to this hateful commerce.

I have, &c.
(Signed) C. D. TOLME'.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 17.

1. *List of Vessels despatched from the Port of Havana in the Month of October,* 1838, *suspected of being engaged in the Slave Trade.*

October 11.	American schooner	"*Florida*,"	for the	Cape de Verds.
11.	„	"*Hazard*,"	for	San Tome.
19.	Portuguese brig	"*Vigilante*,"	for	Pablo de Loanda.
23.	Portuguese schooner	"*Sin Igual*,"	for	San Tome.
30.	„	"*Amalia*,"	for	Bonny.

Second Enclosure in No. 17.

2. *List of Vessels arrived in the Port of Havana in the Month of October* 1838, *after having landed Slaves, as it is said, on the adjacent Coast.*

October 4 or 5.	Portuguese schooner	"*San Igual*,"	after landing, it is said,	240	slaves.
„ 4 or 5.	„	"*Constancia*,"	„	213	„
„ 4 or 5.	Portuguese brig	"*Maria Teresa*,"	„	360	„
„ 7 or 17.	Portuguese schooner	"*Nostra Senhora del Buen viage*,"	„	213	„
„ 9 or 10.	„	"*Amalia*,"	„	200	„
„ 18.	Portuguese brig	"*Volador*,"	„	269	„

Third Enclosure in No. 17.

Mr. Tolmé to Mr. Mc Tavish.

SIR, *Havana, 12th October,* 1838.

THERE frequently arrive here from Baltimore, American vessels destined to proceed to the Cape de Verds or to a Portuguese settlement in Africa, and, being there put under Portuguese colours, to be employed in Slave Trade.

Of these vessels some enter without its being noticed in the public papers.

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Such was recently the case with a schooner called the "*Florida,*" whose arrival consequently almost escaped my notice.

I would, therefore, as I am directed by Her Majesty's Government to keep a watchful eye on such expeditions, beg to request you to inform me, from time to time, of the names of any clippers of suspicious character which leave your port for this, as well as any particulars respecting them which you may be able to procure.

I would also thank you to state to me whatever you may learn about the ownership of the above mentioned schooner "*Florida,*" as well as about that of another called the "*Hasard,*" both of which came from Baltimore, and have lately cleared, the one for the Cape de Verds, the other for St. Tomé, adding any further information you acquire about them, calculated to complete that chain of evidence, respecting these and other slaving expeditions, in which it is so desirable that not a link should be wanting.

I have, &c.

(Signed) C. D. TOLME'.

To John Mc Tavish, Esq., Her Majesty's Consul, Baltimore,
&c. &c. &c.

Fourth Enclosure in No. 17.

Mr. Tolmé to Mr. Crawford.

SIR, *Havana, November 14th,* 1838.

I TOOK leave, under date of the 9th ultimo, to request you to procure for me some information respecting an American schooner called the "*Comet,*" which had arrived from New Orleans, and proceeded from hence to the Coast of Africa.

I now beg you to do me the favour to be on the look out for the arrival of the Spanish schooner "*Nueva Amable Salomé*" at your port, and to inform me what subsequent destination is given to her. She is a well known slave trader, which has made several successful voyages, and arrived here in September with 203 negroes. She is now advertised for New Orleans.

I remain, &c.

(Signed) C. D. TOLME'.

To John Crawford, Esq., British Consul, New Orleans,
&c. &c. &c.

Fifth Enclosure in No. 17.

Mr. Tolmé to Mr. Giffard.

SIR, *British Consulate, November 27th,* 1838.

THERE is now lying in this harbour a remarkably fast-sailing vessel, formerly the "*Urraca*" slaver, which being taken by one of Her Majesty's cruizers, was carried to Sierra Leone and there condemned and sold. She is now under British colours, being ostensibly the property of Mr. Zulueta of London, and is called the "*Arrogante.*" From hence she is to proceed to Vera Cruz, or to some other port in Mexico, with a cargo which she has on board, laden in Cadiz, and as I suspect that after her discharge she will be again employed in the Slave Trade, I will thank you, if she should arrive with you, to keep an eye upon her, and in due time inform me whether she clears from Vera Cruz.

I am, &c.

(Signed) C. D. TOLME'.

To Francis Giffard, Esq., Her Majesty's Consul, Vera Cruz,
&c. &c. &c.

No. 18.

Mr. Tolmé to Viscount Palmerston.—(Received January 12, 1839.)

MY LORD, *British Consulate, Havana, December 4th,* 1838.

I TOOK leave to state, in my Despatch "Slave Trade, of the 11th September last, that I had addressed myself on the subject of kidnapped British

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negroes in this island, to Her Majesty's Consul at St. Jago, as well as to individuals of confidence in other parts of the Island where there were no Consular Agents, and that, as soon as I received their reports, I should have the honour of communicating the substance of them to your Lordship."

It is now my object to do so.

From Matanzas, Cardenas, and other parts on the north side of the Island, I am assured that no such negroes are known to have been introduced, and from Trinidad my correspondent writes in the same sense.

But Mr. Hardy has addressed to me, about two Africans who were stolen from Jamaica in 1834, the Enclosure No. 1, and I have in consequence directed a letter on the subject to the Captain-General, Enclosure No. 2.

I shall press the matter with his Excellency, but seeing from the correspondence contained in your Lordship's Despatch of the 11th July last, the little effect of such reclamations in Porto Rico, and knowing that the law advisers of the authorities in this island always decide against foreign claims, unless their concurrence in them is purchased, I have not the slightest hope of succeeding in obtaining the liberation of the poor people in question, and would therefore humbly suggest the propriety of the case being brought before the Spanish Government, as the only chance of rescuing the sufferers from perpetual slavery.

I have, &c.

(Signed) C. D. TOLME', *Consul.*

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 18.

Mr. Hardy to Mr. Tolmé.

SIR, *British Consulate, St. Jago de Cuba, November 1st,* 1838.

I HAVE to acknowledge the receipt of your two Despatches of the 11th of September and 1st of October, calling upon me to co-operate with you in effecting the discovery and liberation of any British negroes, who may have been kidnapped and brought into this Island, and requesting me to transmit to you a monthly return of the arrivals and departure of vessels engaged in the Slave Trade.

Under the first head I beg to call your attention to the enclosed Despatch from his Excellency Sir Lionel Smith to me, to the copy of my reply, embodying what had transpired between the General of the Province and myself, and to the final reply of the Señor Don Tomas de Yarto.

I hope to be able to transmit to you by the next mail a list of vessels that have landed slaves in the vicinity of this port since the commencement of the year, and have meanwhile to inform you that no suspicious vessel has been despatched from hence during the month of October, nor have any vessels landed Africans on the coast.

I am, &c.

(Signed) J. HARDY, Jun., *Consul.*

C. D. Tolmé, Esq.
&c. &c. &c.

Sub-Enclosure A. in No. 18.

Sir Lionel Smith to Mr. Hardy.

King's House, Spanish Town, Jamaica,
SIR, *September 28th,* 1838.

1. IN the month of August, 1834, a boy, named "Wellington," was taken from Montego Bay in this Island, and conveyed in the schooner-boat Martha, commanded by a man named James, to St. Jago de Cuba, and there sold to a person named Garcia.

2. I do myself the honour to enclose the copy of a letter which was addressed to the Governor-General of Cuba by the Marquis of Sligo, in April, 1835, on the

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subject, but I have not been able to discover the Affidavits, copies of which, it would appear, were transmitted in his Lordship's letter; or any reply from the Governor of Cuba to that communication.

3. Although, as I have been given to understand, arrangements were at that time made to restore "Wellington" to his friends, recent occurrences have brought it to the notice of this Governor, that he is still detained in Cuba. Not doubting that the steps taken on this subject in the year 1835, are on record in the Consulate of St. Jago de Cuba, and that you will have no difficulty in tracing out the boy, I have to request you will be pleased to adopt such measures as may be necessary to obtain his immediate restitution.

I have, &c.

J. Hardy, Esq., (Signed) LIONEL SMITH.
&c. &c. &c.

Sub-Enclosure B. in No. 18.

The Marquis of Sligo to the Captain-General of Cuba.

MOST EXCELLENT SIR, *King's House, April* 22, 1835.

I HAVE the honour herewith to transmit Copies of two Affidavits made by John Alford and John Thomas, relative to the deportation from this Island of a lad named "Wellington" in August last, by one James, Master of the schooner "Martha."

As it appears that a person named Garcia purchased the boy "Wellington" from the master of the said schooner-boat, and that he is now at St. Jago de Cuba, I am confident it will only be necessary to identify "Wellington as the person described in the accompanying depositions, to induce Your Excellency to give directions for his release from further slavery, and that he may be allowed to return to Jamaica.

I beg, &c.
(Signed) SLIGO,
Governor and Captain-General of Jamaica.

The Governor and Captain-General of Cuba.

Sub-Enclosure C. in No. 18.

Mr. Hardy to Sir Lionel Smith.

SIR, *British Consulate, St. Jago de Cuba, October 20th,* 1838.

I HAVE the honour to acquaint your Excellency, that on receiving your letter of the 28th of September, I immediately proceeded to address the Governor of that Province, claiming the restoration of the lad "Wellington," as well as of two others, of whom I received notice whilst making inquiry respecting him; and that I have received no further satisfaction than that contained in the answer of the Governor.

Commander Frazer, of Her Majesty's ship Nimrod, having since arrived with instructions from Commodore Douglas, to co-operate with me in procuring the liberation of "Wellington," we visited the Governor yesterday in order to obtain information as to the present state of the proceedings in the case; and whether the parties could be placed at liberty within a specified time, and if not, what reasons could be given for the contrary.

The Governor commenced his reply, by expatiating at considerable length on the nature of his duties, and the attributes of the Assessor-General of the Crown, and stated that so soon as he received my application of the 9th October, he had referred it to that functionary, in whose hands the matter still rested. His Excellency also added, that the investigation would be a very protracted one, as the cognizance of the case had, in the year 1834, been withdrawn from his predecessor's jurisdiction by the then Commandant of Marine, who had asserted that Garcia being matriculated for the sea service, could be judged by him solely; and as the creditors of Garcia had a voice in a measure which would tend to alienate a portion of his property. I immediately rejoined that the kidnapped men could not be considered as property; but the Governor replied, that by the Spanish Law

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they were *primâ facie* placed in that light. The conversation ended in his requesting Commander Fraser to address him on the subject, when his letter should be referred to the Assessor-General, who would report on the present state of the proceedings instituted in virtue of my original application. Unfortunately the affidavits were not sent to the gentleman who officiated in my absence in 1834 and 1835, as Her Majesty's Consul at this port; and from the tenor of the copy of the letter from the Marquis of Sligo, they would appear to have been transmitted to the Captain-General of the island direct. I have succeeded, however, in collecting from the Licentiate, Don Hilario de Cisneros Saco, who filled the office of Assessor-General during those two years, the following facts:—

It appears, in the year 1834 he received information, that a man of the name of Garcia had smuggled into the country two young negroes from Jamaica, with the intention of causing them to be sold. He ordered his immediate arrest; the boys were examined, and it was clearly proved that he had enticed them on board his vessel at some port on the north side of Jamaica, together with a third, who was left through some means or other behind. They were ordered to be deposited with the then Protector of Slaves, Don Juan de Bautista Sagarra, to be delivered up whenever claimed. Garcia was liberated by the Commandant of Marines, and a summary of the whole case was transmitted to the Captain-General. This had scarcely been done, sufficient time had not even elapsed for the documents to reach the Havana, when a copy of the application from the Marquess of Sligo was sent on here by the Captain-General himself, with an order that the matter should be thoroughly investigated, the identity of the boys was established, and immediately reported to the Captain-General; but as Don Hilario de Cisneros vacated his office shortly afterwards, I have been unable to obtain any further information than that the two are still in existence, and that on Mr. Sagarra's being informed that the matter was in agitation, he had them brought down from his estate, to be in readiness to be handed over to me whenever he might be directed to do so. Garcia was some months back arrested on some information of another character, and is still in confinement; and it now appears that he never had been matriculated, and that the assertion to that effect of the then Commandant of Marine, had been boldly made in order to extricate him from his dilemma.

Whether Your Excellency renew your application in this quarter, or it be made (as urged by the Governor himself) to the Heads of Authority at the Havana, the investigation, as I write Commodore Douglas, will be a protracted one, and I am not all confident that the object Your Excellency has in view, will be obtained, unless through the interference of the Government at home with the Court of Madrid. The proverbial inertness of the Judge, the clamours of Garcia's creditors, the thousand facilities of evading the question as furnished by the system of judicature here, are such as to paralyze any exertions that I might make, though I shall lose no time in transmitting Your Excellency's Despatch to Her Majesty's Consul at the Havana, with a statement of all that has occurred.

It would appear that I have been misinformed as to the number of the boys kidnapped, as there was only one other.

I have, &c.

Sir Lionel Smith, (Signed) JOHN HARDY, *Junior.*
&c. &c. &c.

Sub-Enclosure D. in No. 18.

(Translation.) *The Governor of St. Jago de Cuba to Mr. Hardy.*

In the report on the reclamation relative to the negro "Wellington" and two others, I have inserted a decree and the opinion of the assessor general directing that a letter should be written to you, Sir, containing the following enclosures.

Mr. Governor,—The particulars applied for in the annexed prior decree were sent by his Excellency, your predecessor Don Manuel Lorenzo, with the corresponding letter of the 12th July, 1836, to his Excellency the President Governor and Captain-General of the Island, but as yet no resolution has issued thereupon; of this I inform you that you may take what steps may appear to you fitting.

PEDRO THOMAS AROCHA.

Santiago, Island of Cuba, 24th October, 1838.

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Cuba, 24th October, 1838.

HAVING seen the preceding communication of the notary of the Governor Don Pedro, T. Arocha, I desire it may be laid before his Excellency the Captain-General of the Island, for his Excellency to be pleased to determine what he shall deem proper touching the reclamation of Her Britannic Majesty's Consul, John Hardy, junior, Esq., in the names of the Governors of Jamaica, Sligo and Lionel Smith, which reclamation has been repeated by Sir John Fraser, as the circumstances which occasioned the detention of the claimed slaves, are in the possession of the above authorities, and as this Government has no power to adopt any further measures until the resolution of his Excellency be promulgated.

Let the actuary take a transcript of these proceedings, and keep it in the office of his Notaries in case it should be wanted, and for the information and satisfaction of the above Gentlemen and Consul, a copy was made out, together with copies of the above Report, and of this minute.

YARTO.
PIZARRO.
PEDRO T. AROCHA.

The above I communicate to you for your intelligence, and other needful ends.

God preserve you many years.

(Signed) THOMAS DE YARTO.

Cuba, October 25th, 1838.

Second Enclosure in No. 18.

Mr. C. D. Tolmé to the Captain General of Cuba.

MOST EXCELLENT SIR, *British Consulate, Havana, November 24th*, 1838.

FROM a representation which has just been made me by Mr. Hardy, Her Majesty's Consul at Santiago de Cuba, it appears, that in the year 1834, the Assessor General, Don Hilario de Cisneros Saco, having received information, that a man of the name of Garcia, had smuggled into the country from Jamaica, two young negroes, the one called "Wellington," ordered his immediate arrest, that the boys were examined, and the facts being clearly proved, that they were deposited with the protector of slaves, Don Juan de Bautista Sagarra, to be delivered up, whenever claimed, and that a summary of the whole case was transmitted to your Excellency's predecessor.

In April, 1835, His Excellency the Marquess of Sligo, the Governor and Captain-General of Jamaica, in a letter addressed to His Excellency the Governor and Captain-General of this Island made such claim, without it would seem, a successful result, for under date of the 28th September last, his successor His Excellency Sir Lionel Smith, addressed my colleague at St. Jago de Cuba, requesting him to endeavour to procure the release of the said "Wellington." Mr. Hardy in consequence applied to Governor Yarto on the subject, but was informed, under date of the 25th October last, that the case was before Your Excellency, who alone was competent to decide on it. I therefore take leave to request Your Excellency to be pleased to issue an order for the delivery of the said "Wellington" and his companion, to Her Majesty's Consul at Santiago, in order that they may be sent back to Jamaica forthwith.

I avail, &c.

The Governor and Captain-General of Cuba. (Signed) C. D. TOLMÉ.

No. 19.

Mr. Tolmé to Viscount Palmerston,—(Received February 19, 1839.)

MY LORD, *British Consulate, Havana, December 24th*, 1838.

I WAITED on your Lordship, under date of the 28th November last, Slave Trade, with lists of the vessels said to have left this port and arrived here, in the month of October, suspected of being engaged in the Slave Trade. I beg leave now to enclose copies of the lists of sailings and entries in November, of craft engaged in the traffic, furnished on the first instant, to Her Majesty's Commissioners.

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They no doubt transmitted the same by the last packet, as I should have done, had I had a moment's leisure. Still, as I may be able to add a remark or two of interest, I now, though later, repeat the communication.

"The "*Lavandera,*" despatched on the 7th of November, is the vessel reported to have arrived in September, under the name of the "*Ala.*" The "*Clara*" is a Baltimore schooner, which arrived here on the 9th September last from Baltimore, and sailed again under American colours, with power to the Captain to effect her sale at the port of destination, S. Tomé, the conditions of such sale having been, as it is said, already agreed on here. The "*Maria Teresa,*" is the very schooner that arrived, in October, to the well-known Mr. Mazorra.

Of the ships that came in, the "*Serea*" is a vessel formerly called the "*Chiva ;*" the "*Maria Segunda,*" is an old trader, since despatched again.

With regard to the trade in other parts of the Island, I beg to observe, that Mr. Hardy writes to me, that "no vessel connected with the commerce in slaves, entered, or was despatched from the port of Santiago de Cuba, in the month of November, nor were landed any slaves anywhere in its vicinity."

From Trinidad I have also no news of arrivals or departures.

My Matanzas correspondents say, that there were two arrivals at Camarioca in November; they believe that the "*Serea*" was one, and the other was the Portuguese schooner "*Victoria,*" with 180 negroes. The Spanish brig "*Feliz*" was daily looked for with 350 to 400. From Matanzas the only vessel despatched, in the same month, was the American schooner "*Jago,*" for the Cape de Verds.

From Mr. Consul M'Tavish, I have the communication, of which a copy forms the Enclosure No. 3, in answer to my letter of the 12th October last.

From Mr. Consul Crawford, of New Orleans, I have yet no reply to my inquiries, spoken of in my despatch Slave Trade, 3rd October, 1838.

The arrivals and departures of slave-vessels, in November, were more limited, it would seem, than usual; yet there is no lack or zeal on the part of the traders, and the traffic will be carried on in the sequel, with the same activity as has hitherto been displayed, worthy of a better cause, and under modifications, which I shall have to speak of in my next despatch.

I have, &c.

(Signed) C. D. TOLME' *Consul.*

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 19.

A List of Vessels despatched from the Port of Havana in the month of November, 1838, suspected of being engaged in the Slave Trade.

November	7.	Portuguese schooner	Lavandera	for	Isla de Principe.
„	„	American schooner	Clara	„	St. Tomé.
„	23	Portuguese schooner	Emprendedora		Gallinas.
„	„	Portuguese brig	Maria Teresa	„	Lagos.

Second Enclosure in No. 19.

List of Vessels arrived in the Port of Havana in the month of November, 1838, suspected of being engaged in the Slave Trade.

November	6	Portuguese schooner	Maria Segunda	with	216 slaves.
„	13	„ „	Chiva* alias Serea	„	143 „

* My informant maintains that this vessel is called the Chiva, but she was reported in the public papers as the "Serea," and under this name was cleared out again

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Third Enclosure in No. 19.

Mr. M'Tavish to Mr. Tolmé.

SIR, *British Consulate, Baltimore, November 23rd,* 1838.

BY the schooner "*Rebecca,*" which sails to-morrow morning, I hasten to furnish you with such information as I have been able to obtain, in relation to the two vessels referred to in your letter of the 12th ultimo.

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The "*Florida*," Captain Kelly, as appears by the Exchange books, cleared from hence for Havana on the 19th June. I understand she was built for Kelly on speculation, in conjunction, I believe, with some ship-carpenters on the Point, was taken by him to your Island, and there disposed of.

Kelly has since returned to Baltimore, and sailed again on the 5th instant in the schooner "*Victory*," from Key West, from thence she proceeds to Havana.

The schooner "*Hazard*," Bailey, cleared for Havana on the 24th August, and as I am informed, was there sold; as to the ownership of that schooner, I have not as yet been able to learn any clear account, but as in the case of the "*Florida*," the Captain appears on the Exchange books, as owner. Captain Bailey having also returned to this port, sailed from hence on the 2nd instant for Pernambuco, in command of the brig "*Trafalgar*," despatched by Mr. Edward Robinson.

I shall at all times be happy to render you any service here, and remain in the mean time, Sir, &c.

(Signed) JOHN M'TAVISH.

To C. D. Tolmé, Esq.,
&c. &c. &c.

No. 20.

Mr. Tolmé to Viscount Palmerston.—(*Received February* 9.)

My Lord, *British Consulate, Havana, January 5th,* 1839.

I had the honour, on the 2nd instant, of transmitting to Her Majesty's Commissioners the lists of vessels which left and arrived in the port of Havana, during the month of December, suspected of being engaged in the Slave Trade. Enclosures 1 and 2. Of those sailed, the "*Liberty*" is an American schooner, which arrived here from New Orleans on the 7th October last, the "*Constancia*," "*Maria Segunda*," and "*Serea*," are Portuguese schooners, which arrived, with slaves, on the 5th October, and 6th and 13th November in succession. The "*Reyna de los Angeles*" was formerly the Spanish schooner "*Rosario*" or "*Rosarita*."

The only arrival here, I believe, is "*El Trueño*."

From Matanzas, I am informed that the Spanish brig "*Felix*," alluded to in my Despatch of the 24th December, 1838, had landed in the vicinity 313 negroes.

From Trinidad I have no intelligence; but from Santiago de Cuba Mr. Hardy writes to me, under date of the 19th December last, that "a slaver, under Portuguese colours, landed on the 13th, at Juragua 430 Africans. Her name is the "*Esperanza*." She was formeriy called the "*Famosa Estrella*," and sailed originally under British colours as the "*Montague*."

The entries have thus been few; the vessels despatched in December but too many. What, however, is most to be regretted, is a new feature in the trade, hinted at in my last despatch.

The parties concerned in it, having misgivings as to the efficacy of the Portuguese flag in covering their illegal traffic, have of late commenced the system of putting their craft under American colours, intending at the same time to retain those of Spain or Portugal; thus depriving British cruizers of the right of search by the use of the former, and protecting themselves from being overhauled by United States ships of war, by hoisting either of the latter flags. With this view, one Spanish schooner, the "*General Espartero*," proceeded to Key West, and returned as the "*Thomas*" of Havana, and another, which left this port as the well-known slaving schooner "*Nueva Amable Salomé*," has come back from New Orleans as the American schooner "*Encantadera*," and I believe that several have followed the same course.

So outrageous were these proceedings, such an abuse of the American flag, so contrary to the laws of the United States,—for these vessels have nothing but what they are pleased to call a "Sea letter," (namely, a bill of sale; and a declaration on oath by the purchaser, made before a notary, that he is an American citizen,) when the issue of sea letters is expressly prohibited by an act of Congress, dated, I think, in March 1810, that the American Consul here caused the "*Thomas*" of Havana "to be seized, and declares that no other vessel shall clear from hence under American colours, unless duly registered." Still all functionaries may not be so scrupulous: and even if they are, there is nothing to prevent these freebooters,

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who are carrying on a commerce in their fellow-creatures, from prostituting the American ensign whenever it suits their purpose; and, indeed, I am informed by Commander Bushby, of Her Majesty's ship "Wanderer," that the Portuguese brig "*Escorpion*," captured by him on the 26th November last, did hoist and keep up American colours during the principal part of the chase; and I should therefore hope, that the United States Government, with these and similar facts before them will, for the honour of their flag, admit that modified right of search for which Great Britain has been so long contending; or, at all events, concur in some plan for putting down a trade, which I am convinced all, except the most degraded of their citizens, view with abhorrence.

Meanwhile I shall feel it my duty to direct the attention of such of the Commanders of Her Majesty's cruizers, as may visit the port, to those vessels which I consider to have fraudulently adopted the American flag; leaving them, if they should meet them at sea under suspicious circumstances, to act as they think fit.

I have taken the liberty to report the cases of the "*Thomas of Havana*," and "*Encantadera*," to Her Majesty's Minister at Washington, in a letter of which the Enclosure No. 3 is a copy, as he may be able to procure an immediate order to issue from the United States Government, for preventing the repetition of illegal clearances of such a character. I have also again addressed Mr. Consul Crawford, of New Orleans, requesting him to give me every information respecting the transfers of Spanish and American flags, in the cases of such vessels as may arrive from hence, and his replies I shall in due time have the honour to submit to your Lordship.

I have, &c.

(Signed) C. D. TOLME', *Consul.*

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 20.

List of Vessels arrived in the Port of Havana in the month of December, 1838, *supposed to have landed Slaves on the Coast of the Island of Cuba.*

December 9, Schooner Brig, Portuguese, "*El Trueño*," landed 528 Africans at Mariel.

Second Enclosure in No. 20.

List of Vessels despatched at the Custom House of Havana in the month of December, 1838, *suspected of being engaged in the Slave Trade.*

December 8,	American Schooner,	"*Liberty*,"	For Rio Pongo.
„ 7	Portuguese „	"*Serea*,"	„ Cabo Verde.
„ 21	„ „	"*Reyna de los Angeles*,"	„ S. Tomé.
„	„ „	"*Maria Segunda*,"	„ S. Pablo de Loanda.
„ 22	„ „	"*Constancia*,"	„ S. Tomé.
„ 24	American „	"*William Savin*,"	„ Bahia de todos los Santos.

Third Enclosure in No. 20.

Mr. Tolmé to Mr. Fox.

SIR, *British Consulate, Havana, January, 5th*, 1839.

THE slave-traders of this place, availing themselves of the American flag for carrying on their craft, have recently sent Spanish vessels to New Orleans and Key West, and there effected collusive sales of them, such vessels returning to this port to be despatched under American colours to the coast of Africa.

I would name, as instances, the Spanish schooner "*General Espartero*," now the American schoone.' 'Thomas of Havana," and the Spanish schooner "*Nueva Amable Salome*," now the American schooner "*Encantadora*." The first must have sailed from Key West to this port, after changing her flag, about the 10th ultimo; the last from New Orleans about the 20th. But these vessels have no right or title to the character of Americans; they are not registered as such; they have no papers, but what they call sea letters, which, according to the Act of Congress

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of 26th March, 1810, were not issuable after the 30th of June of that year; and they therefore ought not to have been allowed to clear out as Americans by the clearing officers of New Orleans and Key West.

Yet there is too much reason to fear that many more such cases will occur; that ships really owned here will be transferred in the same way in the ports of the United States; and, navigating the seas under the American flag, having slaves on board, thus escape the vigilance of our cruizers; and I therefore take leave to mention the facts to you, for such use as you may think proper to make of them.

I have, &c.

H. S. Fox, Esq. (Signed) C. D. TOLME', *Consul.*
&c. &c. &c.

No. 21.

Mr. Tolmé to Viscount Palmerston.—(Received February 16.)

My Lord, *British Consulate, Havana, January 17th,* 1839.

I have hitherto limited my reports on the Slave Trade to a monthly communication; but a peculiar case having occurred, I feel it my duty to make it known to your Lordship, even before the time in which I should transmit my periodical returns.

The American ship "*Venus*," alluded to in my Despatch of the 25th July, 1838, has just arrived from Africa with upwards of 860 negroes, and is now in this port as the Portuguese ship "*Duqueza de Braganza.*"

This vessel, in August 1838, an American, arrived in January 1839, a Portuguese, with, as I have every reason to believe, the papers of the same "*Duqueza de Braganza*," as was reported by Her Majesty's Commissioners to have come in on the 12th January 1837, once the Spanish ship "*Europa*," at another time the Spanish ship "*Alerta*," originally the French ship "*Paquebot Bordalais*, No. I.;" and lastly, having gone through all these camelion-like changes, the Spanish ship "*Provisional*," under which name she retired from her ignoble career, and conveyed troops to Porto Rico.

At all events, this vessel, the present "*Duqueza de Braganza*," since she was an American after 1837, could never legally become a Portuguese, and therefore sails under false colours; and I have consequently thought proper to address a letter, of which the enclosure is a copy, to Sir Charles Paget, as I do the present to your Lordship, on the subject.

I have, &c.

(Signed) C. D. TOLME', *Consul.*

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 21.

Mr. Tolmé to Sir Charles Paget, G.C.B.

Sir, *British Consulate, Havana, January 14th,* 1839.

1. A first-rate Baltimore three-master of 460 tons arrived here on the 4th, and sailed for the coast of Africa, on the 25th of August last, as the American ship "*Venus.*"

2. Whilst she was here, some of the Officers of Her Majesty's Navy, saw and examined her, among the rest, Commander Fraser, of the Nimrod.

3. She has returned, within a few days, from Africa, as the Portuguese ship "*Duqueza de Braganza*" after landing on the coast of this Island above 800 negroes.

4. Her Portuguese papers are said to be those of an old vessel, originally French, subsequently Spanish, and ultimately transferred to the Portuguese flag, under the name which the "*Venus*" now bears.

5. At all events, a vessel, American in 1838, as the "*Venus*" was, could never legally become a Portuguese; for Portugal has prohibited the adoption of her flag by foreign-built vessels, except steamers, after 16th January, 1837.

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6. The "*Duqueza da Braganza,*" therefore, navigated under false papers. Yet—

7. She will probably, again, ere long, depart from hence for Africa, without a change of flag.

8. It would be presumptuous in me even to offer a suggestion under such circumstances. I have only to state the facts, as I now do, availing myself of the opportunity of assuring you of the high respect with which I have the honour to be, &c.

(Signed) C. D. TOLME'.

The Vice-Admiral the Hon. Sir Chas. Paget, G.C.B.
&c. &c. &c.

No. 22.

Viscount Palmerston to Mr. Hardy.

SIR, *Foreign Office, February 25th,* 1839.

I REFER you to a letter, which, on the 20th of October, 1838, you addressed to Sir Lionel Smith, respecting a negro boy named "Wellington," who had been kidnapped in Jamaica in the year 1834, and sold to an individual in Cuba, named Garcia; and I have to acquaint you, that a correspondence on the subject has recently taken place between the Colonial Department, Her Majesty's Envoy at Madrid, and myself, the result of which has been, that the Spanish Government has acceded to an application from Her Majesty's Government, that the boy above-mentioned shall be liberated, and shall be delivered over to you.

I herewith transmit to you copies of the Despatch, and of its enclosures, from Her Majesty's Envoy at Madrid, containing assurances from the Spanish Government, that orders have actually been given to the Captain-General of Cuba to this effect; and I have to desire, that you will demand from the local authorities at St. Jago de Cuba the liberation of the boy "Wellington," and that you will send him back to his own island.

You will not fail to acquaint me with the steps, which you shall take in execution of this instruction.

I am, &c.

John Hardy, Jun., Esq., (Signed) PALMERSTON.
&c. &c. &c.

No. 23.

Mr. Tolmé to Viscount Palmerston.—(Received April 1.)

(Extract.) *Havana, February 27th,* 1839.

I HAVE the honour to enclose the January lists of vessels cleared from this port, suspected of being engaged in the Slave Trade, and of those arrived after having, as it is said, landed slaves on the adjacent coast.

Of the ships cleared, the "*Rebecca*" is an American schooner, which entered this port from Baltimore on the 5th December last, the then Captain being M'Neil. She was sold here by a private bill of sale, but her register was not given up, and she has proceeded for Gallinas, under the United States' flag, commanded by a new Master, authorised to put her under Portuguese colours at her place of destination, or at some intermediate port. The "*Oriental*" is only chartered to take out goods. The "*Fortuna*" is the well-known Spanish brig "*Llobregat;*" but though despatched at the Custom-house on the 28th January, she did not leave till the 22nd of the present month.

Of the vessels arrived, the "*Amelia*" was, I believe, formerly the "*Carvalho Marino,*" despatched from hence on the 31st October last. The "*Dichosa Josefina,*" and "*Segunda Union,*" are, I presume, craft which have changed their names. The "*Brilhante*" is included in Mr. Consul Hardy's list, to which I shall refer in the course of this Despatch; whilst the "*Duqueza de Braganza,*" of which I spoke in my letter of the 17th ultimo, is the old Bourdeaux Packet, No. 1, of whose metamorphoses the Enclosure No. 3 gives some details. Such transformations, such changes of names and flags, are so frequent, that, to trace them as they could and should be traced, would require more leisure than I have at my command.

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Besides what these vessels brought, there were landed on the coast 540 slaves, or thereabouts, from a Portuguese craft, formerly the French brig "*Havre*," a brig which arrived here from Havre de Grace in September, 1837, was sold in December of the same year, and has since made more than one voyage to Africa. She was lost after discharging the above-mentioned cargo, and has thus ended her career.

It has been said that this ship navigated the seas under French colours; but I disbelieve the fact, simply because, shrewd as I think the Slave-traders are, I cannot think that they would use a flag which does not protect them from the search of our cruisers, and exposes them to that of French.

I am not aware of any negroes having been landed in the vicinity of Matanzas in the month of January. One brig, formerly the "*Manso*," under Spanish, now the "*Ulysses*," under Portuguese, colours, arrived at Matanzas, from Ayudah. She sailed from the former port on the 20th July for Africa, with a valuable investment of dry goods and some specie, and returned without cargo and without Master. This is the vessel which brought troops from Matanzas to Havana.

From Trinidad I have been unable to procure any information on the subject of the Slave Trade.

Mr. Consul Hardy has transmitted to me a list, of which the Enclosure No. 4, is a copy, of the vessels that landed negroes in the neighbourhood of St. Jago de Cuba in the year 1838, wherein, it is to be observed, two are contained, already reported by me, the "*Escorpion*," alias "*Volador*," on the 18th October, and the "*Brilhante*," on the 17th January.

From Mr. Consul Crawford, of New Orleans, I have now a reply to my letters respecting the "*Comet*," "*Conchita*," and "*Nueva Amable Salomé*." The first of these vessels has, it appears, belonged to a Spanish house in that place. The second, (not the "*Nueva Amable Salomé*," as I erroneously said in a former Despatch,) was put under the United States' flag as the "*Encantadora*," and came here as American property, with no papers but a bill of sale; whilst the last, originally intended to be transferred in the same manner, was to leave New Orleans early in this month, under her Spanish colours, for Havana. The fact is, that the Slave-traders, finding that the American Consul in this place would not clear vessels under American colours unless duly registered, have given up their plan of making such transfers as that of the "*Encantadora*;" and even this vessel, made an American in December last, has, within a few days, again become a Spaniard.

By the present packet I have received from Mr. Vice-Consul Giffard, of Vera Cruz, a letter respecting the British brig "*Arrogante*," of which I beg leave to enclose a copy, No. 5.

First Enclosure in No. 23.

List of Vessels despatched from Havana, in the month of January, 1839, *suspected of being engaged in the Slave Trade.*

January 23,	American schooner	"*Rebecca*"	Wilson,	Master, for	Gallinas.
,, 26,	,, brig	"*Oriental*"	Hatch,	,,	Lagos.
,, 28,	Portuguese "	"*Fortuna*"	Barbosa	,,	,,

Second Enclosure in No. 23.

List of Vessels arrived in the Port of Havana, in the month of January, 1839, *after having landed Slaves, as it is said, on the adjacent Coast.*

Portuguese.		Master.	Landed at.	Negroes.	Entered.	
Ship	"*Amelia*"	Maquitta	Cabanas	510	4th	Jan.
Schooner	"*Dichosa*"	Ramon	Guanima	220	6th	,,
Ship	"*Duqueza da Braganza*,"	Cadet	Baños	841	7th	,,
Schooner	"*Joséfina*,"	Rodriguize	Guanima	227	7th	,,
,,	"*Brillante*,"	Sanches	Juragua	223	17th	,,
,,	"*Segunda Union*,"	Olivia	Guanima	172	30th	,,

Besides which 540 were landed on the south side of the island, from a Portuguese brig, originally the French brig "*Havre*, of Havre."

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Third Enclosure in No. 23.

List of the Flag and Name which the Vessel, originally the "Paquebot Bordelais, *No.* 1," *underwent, and of the Voyages made by her, up to the time when her Portuguese Papers were turned over to the Owners of the Ship originally under American Colours as the* "Venus," *of Baltimore, and now the Portuguese Ship* "Duqueza de Braganza."

The French ship "*Paquebot Bordelaise*, No. 1," in February, 1833, became the Spanish "*Europa*," and, under this name, in March, 1833, sailed for Hamburg.
Sept., 1833, she returned.
Sept., „ she sailed for Nassau.
Oct., „ she returned.
Nov., „ she sailed for Cayo Sal.
Dec., „ she returned.
Feb., 1834, she sailed for Hamburg.
Aug., „ she returned, and,
Sept., „ being sold, became the Spanish ship "*Alerta*," under which name, Sept., 21st, she sailed for Africa.
June, 1835, she returned.
July, „ she sailed again for Africa.
Feb. 1836, she returned, and, as the Spanish ship "*Europa*," again sailed in May, 1836, for Africa, returning as the Portuguese ship "*Duqueza de Braganza*" alias "*Europa*" alias "*Alerta*" } Jan., 1837.

She subsequently became the Spanish ship "*Provisional*," made a voyage or two, under this name, to Santander, whence, in July, 1837, and, under the same name, sailed with troops, in the same month, for Porto Rico, and has not since returned here.

Being too old for the African trade, the plan of building a new vessel to navigate, under her papers, was then formed, and, with them, the American ship "*Venus*," became the Portuguese ship "*Duqueza de Braganza*."

Fourth Enclosure in No. 23.

Copy of a List furnished by Mr. Consul Hardy, of such Slave Vessels as succeeded in landing their cargo at Juragua, in the year 1838.

				Master	From	Negroes.
January	4th,	Portuguese schooner	"*Joven Luisa*"	Monso	Aviso	291
„	20th,	„ „	"*Magdalena*"	Artiage	Principe	219
February	11th,	„ brigantine	"*Esperanca*"	Saldanlia	„	420
April	24th,	Spanish „	"*General Espartero*,"	Bano	„	455
July	28th,	Portuguese „	"*Triunfo de Loanda*"	Mercill	Coast of Africa	345
August	3rd,	„ „	"*Escorpion*"	Carlos	„	273
December	14th,	„ „	"*Esperanca*"	Saldanha	„	430
„	18th,	„ schooner	"*Enriqueta*"	Garcia	„	130
„	26th,	„ „	"*Brillante*"	Garcia	„	240

Fifth Enclosure in No. 23.

Mr. Vice-Consul Giffard to Mr. Consul Tolme.

SIR, *British Consulate, Vera Cruz, January 20th,* 1839.

I HAVE the honour to acknowledge the receipt of your communication, of the 27th November last, relating to the suspicious schooner "*Arrogante*," and to acquaint you that, as soon as I learn her ostensible or probable movements, you shall be informed therewith. She is still in the bay, waiting some arrangement between the beligerents to be permitted to discharge her cargo.

I have, &c.,

C. D. Tolmé, Esq., (Signed) J. GIFFARD, Vice-Consul.
&c. &c. &c.

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No. 24.

Mr. Consul Tolmé to Viscount Palmerston.—(*Received April* 1.)

(Extract.) *Havana, February 28th*, 1839.

In reply to your Lordship's Despatch, of the 31st December, 1838, Slave Trade, I beg to say that I perfectly remember having, in the beginning of the year 1836, penned a strong recommendation in favour of Don Jozé Miguel Fernandez, who was then applying for the appointment of Portuguese Consul at this place.

At that time I was not aware that Mr. Fernandez was one of the most notorious slave dealers whose names are to be found in the records of the Mixed Courts, for the Parliamentary Papers were then to me a sealed book, they were never forwarded to me, either by Her Majesty's Government, or by the Commissioners. I hardly knew of their existence.

It is true that I did know that Mr. Fernandez was said to have some interest in the Slave Trade, but I did not therefore consider him necessarily unfit for a consular appointment, because, to use the words of a celebrated abolitionist, "among the merchants concerned in this traffic a great majority are of general fair character, some men of considerable improvement of mind, and I could point out more than one possessed of uncommon integrity and kindness of heart;" and, Mr. Fernandez, being just one possessed of these qualities, combined with judgment and intelligence, I could not (barring the displeasure I must feel at his being engaged in a traffic which I most conscientiously disapprove of) but esteem, and feel justified in recommending him to a Government whose flag, at the time I did so, was scarcely employed at all in these waters for slaving purposes.

That I was not singular in this respect, is proved by the Judges of the Tribunal of Commerce in this city having certified that he was a person of extensive knowledge in the commercial line, and a man of honour and delicate conduct, and by one of the most estimable of my colleagues having declared that Mr. Fernandez enjoyed the very best opinion and credit in this community; that he was of a mild, amiable, and conciliatory character; that he was acquainted with many languages, and possessed vast commercial information, especially in its bearings on the laws, manners, and customs of Spain, and was therefore peculiarly capable of well representing a foreign Government.

Nor, my Lord, did Mr. Fernandez' conduct as Consul belie the good opinion entertained of him. During his short career he detected several Portuguese vessels having false papers; he prevented such collusive transfers to the Portuguese flag as have since taken place, and he denounced the fraudulent proceedings in the Cape de Verds; and it is just because he did act so, that he was suspended.

In fact, whatever may be Mr. Fernandez' views as to the Slave Trade, and they are probably the views unfortunately held by the great mass of this population, yet, in his consular character, he acted with perfect integrity; and if he had been continued, I am confident that there would have been considerably less use of Portuguese colours fraudulently obtained. The "*Venus*" would never have been the means of conveying 850 negroes to a life of bondage.

Considering these facts, I trust that your Lordship will see that there was, at the time when I did so, no impropriety in my recommending Mr. Fernandez, and that the character I gave of him was fully justified by his conduct.

I have, &c.

(Signed) C. D. TOLME.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 25.

Viscount Palmerston to Mr. Consul Tolmé.

Sir, *Foreign Office, April* 12, 1839.

I have received your letter of the 28th of February, 1839, in which you state your reasons why you recommended M. Fernandez for the appointment of Portuguese Consul at the Havana.

I regret to have to observe in reply, that I cannot consider your explanation to be

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satisfactory, inasmuch as you admit that you recommended M. Fernandez for the situation in question, with the knowledge that he was considered to be concerned in Slave Trade.

I am, &c.

Mr. Consul Tolmé, (Signed) PALMERSTON.
&c. &c. &c.

No. 26.

Mr. Tolme to Viscount Palmerston.—(*Received May* 7.)

(Extract.) *British Consulate, Havana, March* 20, 1839.

I HAVE announced to Her Majesty's Commissioners that, during the month of February, there have been despatched from hence to the Cape de Verds and the Coast of Africa, the

American Schooner,	"*W. Bayard,*"	for Cape de Verds,	
Spanish „	"*N. Sa del Rosario,*"	„ „	
Portuguese „	"*Montaña,*"	„ L. Pablo de Loanda,	
American Brig,	"*Morris Cooper,*"	„ Lagos, and the	
American Schooner,	"*Perry Spencer,*"	„ Gallinas;	

and that there have arrived, the

Portuguese Brig,	"*Felicidad,*"	with 447	Africans,	
„ „	"*Matilde,*"	„ 296	„	
Montevidean „	"*Primogente,*"	„ 467	„	
Portuguese Schooner,	"*Labadeira,*"	„ 229	„	and the
„ „	"*Eliza,*"	„ 116	„	

Of the vessels despatched, the "*William Bayard*" arrived on the 22nd December from San José, and was sold, if not transferred here; the "*N. Sa del Rosario*" was a vessel formerly in the Campeachy trade; the "*Montaña*" is a brig which arrived from the coast of Africa last September; the "*Morris Cooper*" came in from New Orleans on the 25th December, and even previously, I suspect, belonged to Spaniards, though ostensibly owned by United States citizens; whilst the "*Perry Spencer*" came in from Mobile on the 17th of last January, and was disposed of here.

When I say that these American vessels were sold, I do not mean to say that they were legally transferred, according to the forms required in the United States, or by their Consuls abroad; they were, for the most part, disposed of by a private agreement, on the condition of the American master delivering them over, either at the Cape de Verds or on the coast of Africa, the purchase-money having been previously deposited here on the security of a charter.

Of the vessels that have arrived, the "*Primogenito,*" now under Montevidean colours, was formerly the Spanish brig "*Terrible*;" she was subsequently put under the Portuguese flag; was taken, sold at Sierra Leone, came into the hands of the well-known Mr. Blanco, and was sent to the river Plata to acquire a new national character. I have written to Mr. Hood respecting her;—the "*Labadeira*" was despatched from hence the 7th November.

The other vessels arrived are, I believe, Americans under new names. Had I time and means I could ascertain the fact.

The upshot of this and my former reports is a very melancholy one. There appear from all that I have learnt, to have arrived, in January and February, no less than 12 slavers, with about 4300 unfortunate Africans. It is possible that more may have come in; and probably in the outports there have been arrivals which have not come to my knowledge.

Now let us compare this with the reported arrivals of former years. From the correspondence of the British Commissioners of the Havana, it would appear that, up to the end of February, the period of the year at which, according to my returns, 4300 negroes, or thereabouts, had been imported in 1839, there had arrived in

1832 but 4 vessels, with I calculate at most				1200 Negroes
1833	-	6	ditto	1800 „
1834	-	7	ditto	2400 „
1835	-	8	ditto	2400 „
1836	-	15	ditto	4000 „

whilst in 1837 the number rose to 18 vessels with about 6000; so that the trade,

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of late years, in spite of the Spanish Treaty, which has driven vessels under this flag out of the trade, has materially increased:

And I hesitate not to say, that so long as the increasing prosperity of this island creates a demand for slaves, the traffic will be carried on to the same, and even a greater, extent than at present, unless Great Britain adopt much more efficient measures than heretofore for putting a stop to it.

Enclosure in No. 26.

Mr. Tolmé to Mr. Hood.

SIR, *British Consulate, Havana, 28th February,* 1839.

I BEG to inform you, that on the 14th instant the brig "*Primogenito*" arrived here under Montevidean colours, after having landed on the coast 467 negroes.

This vessel was formerly the Spanish brig "*Terrible;*" she was subsequently put under the Portuguese flag; was taken, and condemned, and sold at Sierra Leone, where she was purchased for account of the notorious M. Blanco, and sent, it is said, to Montevideo.

I take leave to communicate the facts to you, as they may be the means of enabling you to prevent, in the sequel, a similar abuse of the Montevidean flag.

I have, &c,

T. S. Hood, Esq. (Signed) C. D. TOLME', Consul.
&c. &c. &c.

No. 27.

Mr. Consul Tolmé to Viscount Palmerston.—(Received May 21, 1839.

(Extract.) *Havana, April* 11*th,* 1839.

ON the 2nd instant I transmitted to Her Majesty's Commissioners the lists of vessels despatched from hence in March, suspected of being engaged in the Slave Trade, and of those which, in the same month, arrived here, after having, as it is said, landed slaves on the adjacent coast.

I now beg to wait on your Lordship with similar lists, and the following remarks thereon:

Of the vessels dispatched, the "*Wyoming*" entered from New York on the 2nd January last, and was sold here for about 10,600 dollars; the "*Octavia*" from New Orleans on the 28th January, consigned to a party whose name already figures in the records of the Mixed Courts, Mr. Pedro Manegat; to this person she is said to have previously belonged, and to belong still. The "*Josefina*" is a schooner reported from Africa in January; the "*Constituçao*" was formerly the "*Dolphin*," mentioned in my despatch Slave Trade, October 3, 1838, and the "*Jack Wilding*" is a schooner which came in from Mobile on the 1st March, and was sold for about 9000 dollars.

Of the vessels arrived, the "*Constituçao*" is the one mentioned above; the "*Josefina*" is a schooner often reported; the "*Liberal*" is the Spanish brig which arrived from Barcelona on the 20th November, 1837, as the "*Negrito,*" and was dispatched February, 1838, under her present name and colours, for the coast of Africa; having, as it was then too late to legally acquire a Portuguese character, probably navigated with the papers of some other vessel. She has been more than a year absent, and, having taken in about 500 Africans, has landed but half of her original cargo, whilst the "*Maria II.*" is the notorious ship "*Socorro,*" commanded really, though not ostensibly, by her former master, Monsieur Muzzard, and has disembarked about 300 negroes less than she took in. Monsieur Muzzard says that he had no sickness on board, but that he lost that number in a storm off the Cape of Good Hope on the 7th January last, when he feared even for the safety of his vessel. Who knows what may have been the fate of these unfortunate beings?

In this report I have again to lament, that the number of slaves introduced has

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been so large. According to my returns there have arrived in this neighbourhood, in 1839, no less than 5,546 souls, whilst by the Parliamentary papers, taking ships to bring 600, brigs 400, and schooners 200, there had landed,

In the first quarter of	1837,	6,200 souls.
„	1836,	6,800 „
„	1835,	3,200 „
„	1834,	2,800 „
„	1833,	2,400 „
and	1832,	1,200 „

only, showing a gradual increase of the trade; and as there are now, as far as I can judge, from Havana alone, full 24 vessels out, we may expect this year as large arrivals as usual, unless Her Majesty's cruisers are fortunate in their captures; and in fact there appears, more than I ever knew it before during my residence in this island, an eagerness on the part of the slave traders to purchase fast-sailing American built vessels, and to send them out to Africa under the flag of the United States. Scarcely a fleet schooner arrives, suited for this traffic, but she is immediately sold at extravagant prices. One, the "*Hound*," as appears by the weekly report of the 30th March, which I have the honour to enclose, No. 3, was disposed of, the very day she came, for the enormous price of 11,000 dollars; and things go so far, that people advertise vessels, as peculiarly worthy of the notice of purchasers, on the plea of their having been expressly built for corsairs—a singular recommendation in times of peace. I enclose a handbill to that effect.

I have no report this month from Santiago de Cuba, probably owing to the absence of Mr. Hardy.

My arrangements at Trinidad are not yet completed, but from thence, as well as other parts of the island, I shall be able, in the sequel, to obtain information of all that is passing there in the Slave Trade.

At Matanzas there arrived in March the Portuguese schooner "*Victoria*," a vessel mentioned in my despatch, Slave Trade, of the 3rd October, 1838. She landed about 280 negroes. This fact, as well as some others of interest, are stated in the Enclosure No. 5, extract of a letter from that port.

The fast-sailing British schooner "*Arrogante*," referred to in my despatch of the 28th November, 1838, has returned from Vera Cruz to the address of P. Martinez and Co., and will probably proceed to Cadiz or Gibraltar, where it would not be surprising if she were transferred to some other flag, to pursue her old career. Her ownership, her consignees, and even her name, are sufficient to justify suspicion as to her intended movements.

I have furnished some of the officers of the cruizers on this station with lists of the vessels engaged in the Slave Trade, to the best of my belief still out; of the dates of their sailing, of the length of the voyage from hence to Africa and back, by which they may form some opinion of the probable period of return, and of the points whereat the debarkation of negroes has of late taken place. Of these notices the Enclosure No. 6 is a copy.

I am now engaged in collecting materials for a list of vessels in port, likely to proceed to Africa, which I shall send when complete, and repeat occasionally, as it may be of service to Her Majesty's cruizers on that coast.

Indeed I shall be glad to procure and communicate all the information within my reach, bearing on the Slave Trade.

First Enclosure in No. 27.

List of Vessels despatched from Havana in the month of March, 1839, *suspected of being engaged in Slave Trade.*

March 6	American brig	"*Wyoming*,"	Christopher, Master,	for Pitavasa.
„	„ schooner,	"*Octavia*,"	Hickins, „	„ Gold Coast.
„ 12	Portuguese „	"*Josefina*,"	H. Rodriguez. „	„ St. Tomé.
„ 21	„ „	"*Constituçao*,"	J. Rodriguez, „	„ St. Tolme.
„	American „	"*Jack Wilding*,"	Eneas, „	„ Cape de Verds.

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Second Enclosure in No. 27.

List of Vessels which enter the Havana in March 1839, *after having landed, it is believed, slaves in the vicinity.*

				Masters.		Slaves.
March 3,	Portuguese schooner,	" *Constitução,*"	J. Rodriguez,	after landing, it is said,		213.
„ 7,	„ „	" *Josefina,*"	A. Jozé,	„	„	235.
„ 11,	„ ship,	" *Maria 2da,*"	A. Batalla,	„	„	553.
„ 23,	„ brig,	" *Liberal,*"	A. Santez,	„	„	257.

Third Enclosure in No, 27.

Notice of Advertisement of Sale of an American schooner for the Slave Trade.

" *Hound,*" American schooner, Corner: sold, C. Drake and Co.

Fourth Enclosure in No. 27.

Slip from an Havana Newspaper.

SE VENDEN,

EL nuevo y velero Berg. Charles Edmonson, su Cap. Richardson, farrado y claveteado en cobre hace seis meses, construido hace tres años en un puerto del golfo de Méjico, de las mejores maderas *y espresamente para corsario;* se halla perfectamente provisto de todo lo necesario para navegar, y se podrá despachar sin demora impondrán el capitan á bordo ó sus consignatarios.

D. CARLOS DRAKE Y. COMP.

Fifth Enclosure in No. 27.

Extract of a Letter from Matanzas, dated March 29, 1839.

" THE two schooners mentioned in my last have both arrived with full cargos; one of them, the Portuguese schooner " *Constitucao,*" formerly the " *Dolphin,*" of Baltimore, with about 300; the other, the " *Victoria,*" also built at Baltimore, with some 280; both owned here, and both in my opinion sailing under forged registers. Another Baltimore built schooner, the " *Mary Ann Carson,*" was sold at this port in June last, and was dispatched to the North Coast about the same time as the two above named.—A report prevails, that she has been captured and carried to Sierra Leone, for attempting to use one half of her original register. which it seems was delivered by the Consul to the American Captain, and it is supposed sold by him to the purchasers of the vessel. An expedition was fitted out some four or five months since at Havana, in which a Mr. Paul Faber (supposed to be an Englishman), who had a factory at Rio Pongo, is gone supercargo; he is expected at the favourite disembarking spot, " Camarioca," every moment. Another Company here is looking out for a vessel to replace one, of whose loss news is just received. The death of little Montak, of Baltimore (said to be a British subject), who was in the practice of sending out so many schooners' for sale, will be a serious loss to these gentry."

Sixth Enclosure in No. 27.

Copy of a Note given to the Commander of Her Majesty's Cruizers on the Coast of Cuba.

THE Enclosure is a list of all vessels which have left this port for the Coast of Africa since the beginning of September, 1838, and the dates of their sailings. The " *Comet,*" the first on the list, has returned, so has the " *Lavandeira*; some others which changed their names, may also be back, but unless taken on the Coast of Africa or lost, I think that at least 24 out of the 32 may still be looked for. You may judge of the time in which they are to be expected back by the following calculations, made up from the parliamentary papers. It seems that out and home—

	The shortest Voyage.	The longest.	The average length of Voyages.
Was in 1830,	4 months, 20 days.	11 months, 12 days.	7 months, 23 days.
„ 1831,	4 „ „	9 „ 18 „	6 „ 5 „
„ 1832,	4 „ 14 „	9 „ 21 „	6 „ 5 „
„ 1833,	4 „ 17 „	12 „ 11 „	7 „ 16 „
„ 1834,	5 „ 21 „	15 „ 15 „	8 „ 12 „
„ 1835,	5 „ 5 „	14 „ 9 „	7 „ 27 „
On the average of the six years,	4 „ 23 „	12 „ 6 „	7 „ 9 „

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The long voyages are rare, they are generally occasioned by extraordinary delays on the coast, by detention, by loss of time in changing papers; and sometimes vessels, put down as long out, may have made an intermediate trip.

At the end of four months from the time of their leaving Havana, they may daily come, and when out seven or eight months, it is only in rare cases that they return at all.

The place of landing the negroes in Cuba is always left, in some degree, to the master of the vessel in which they come, but, as stated in a letter dated 30th April, 1835, from P. Martinez and Co. to the Captain of one of their slavers, (see parliamentary papers, Class A, 1835, p. 75), the general desire is "that the cargoes be disembarked at Havana or Matanzas, or any other of the intermediate ports, such as Arcos de Canasi, Puerto Escondido, Santa Cruz, or failing these, at Banes; but in case of bad weather or chase, whenever it can be done, and though the owners dislike their vessels discharging on the south side of the Island, which (as remarked in the prescribed letter), "is much exposed," yet many cargoes are landed there, as will be seen by the following list of the places at which, during the last six months, vessels have put their negroes on shore, of 25 cargoes.

9	were landed	at Guanima.
4	„	near Trinidad.
3	„	at Manil.
2	„	Camarioca.
1	was „	Puente de Guano.
1	„	Cabanos.
1	„	Banes.
1	„	Cogimar.
1	„	Santa Cruz.
1	„	Canimar.
1	„	near Santiago de Cuba.

Which shows the points more necessary to be watched.

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PORTUGAL.

No. 28.

Lord Howard de Walden to Viscount Palmerston.—(Received February 6.)

My Lord, *Madrid, February 21, 1839.*

Having observed, on reference to the archives in this Legation, that, in 1833, Senhor Candido Jozé Xavier, then Secretary of State for Foreign Affairs to Her Most Faithful Majesty, had, on a representation from the British Government respecting the conduct of Senhor João Baptiste Moreira, in regard to the Slave Trade, declared officially, that that individual had been dismissed from his post as Consul and Chargé d'Affaires at Rio de Janeiro, I have addressed a note to the Viscount de Sà da Bandeira, a copy of which I enclose, requesting, for the information of Her Majesty's Government, that the reasons may be made known to me, which led to the reinstatement in office, of an individual of such notoriety in Slave Trade transactions.

I have, &c.
(Signed) HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 28.

Lord Howard de Walden to Viscount de Sá da Bandeira.

Monsieur le Vicomte, *Lisbon, January 16, 1839.*

My predecessor at this Court having received, so long ago as the year 1833, from his Excellency Senhor Candido Jozé Xavier, the Secretary of State for Foreign Affairs to Her Most Faithful Majesty, the official declaration, in reply to representations brought forward on the part of the British Government, respecting the protection given to slave-traders by Senhor João Baptista Moreira, whose proceedings have lately been the cause of a renewed correspondence on the above subject, that His Imperial Majesty the Duke of Braganza, Regent, in the name of the Queen, had already, for motives not less painful, dismissed the said Moreira; and Senhor Candido Jozé Xavier expressed his hopes that Senhor Joaquim Barroso Perreira, who had been nominated as his successor by His Imperial Majesty, to the Consulate-General and Chargé d'Affaires of Portugal at the Court of Rio de Janeiro, would not give cause for any just reclamations of this or any other nature.

I trust, under these circumstances, Your Excellency will not object to favour me, for the information of Her Majesty's Government, with the reasons which, in face of such assurance, so honourable to the Emperor Don Pedro, have led to the reinstatement of a person, so denounced in His Imperial Majesty's name, and of such recorded notoriety in Slave Trade transactions.

I have, &c.,
(Signed.) HOWARD DE WALDEN.

His Excellency the Viscount de Sá da Bandeira,
&c. &c. &c.

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No. 29.

Lord Howard de Walden to Viscount Palmerston.—(Received February 6.)

(Extract.) *Lisbon, January 24, 1839.*

I HAVE again spoken to the Viscount de Sà da Bandeira on the subject of the Slave Trade Treaty. On my representing to him the importance of a speedy decision on this question, with reference to the approaching meeting of Parliament, he fully admitted it; but, on my informing him that I had no authority to make any concession whatever on the last points of difference, as reported in my Despatch, of the 8th of December of last year, he gave me the intimation I had been led to expect, that the matter must be determined by the Cortes.

I have no idea that any concessions on the particular points of dissent above referred to would alone insure the signature of the proposed Treaty, complete in other respects. I look upon the refusal of the Viscount de Sà da Bandeira to be based on calculations of policy, influenced by the state of party, and of support sought for by him for his administration.

No. 30.

Lord Howard de Walden to Viscount Palmerston.—(Received February 6.)

(Extract.) *Lisbon, January 27th, 1839.*

HAVING been informed by Rear-Admiral Sir John Ommanney, that Her Majesty's ship, "Camelion" had been despatched from England, with a number of Portuguese on board, lately of the crew of the slave-ship "*Diligente*," captured under Portuguese colours, by Her Majesty's ship "Electra," and who were to be delivered over to the Portuguese authorities, in order that, on being proved to be guilty as slave traders, they might meet the punishment assigned for their crimes under the law of the 10th of December, 1836, prohibiting the Slave Trade, I communicated the fact, though not in a formal manner, to the Viscount de Sà da Bandeira, saying, that my motive for so doing, previous to having received any instructions myself, was to prevent all unnecessary delay in making the said prisoners over to the Government, immediately on their arrival.

The Viscount appeared to me to be extremely annoyed. He told me on my seeing him at Court to-day, that he had not yet consulted his colleagues on the matter, nor had he made up his own mind as to the course to be pursued. He said that his impression was, that the Portuguese Government would refuse to receive these prisoners, in consequence of their being captured to the south of the Line, and that the affair would make a great noise in Lisbon, and in the Cortes, and would be extremely inconvenient and embarrassing to the Government.

I replied that we should not care at all for noise in the Cortes, that we considered ourselves in the right, and had taken our line; that I could easily understand how inconvenient it was to him and to the Government, to have their sincerity in enforcing their law, for the abolition of the Slave Trade, and for the punishment of those guilty of the traffic, thus brought practically and publicly before the world, and put to the test at this moment; but that, when those men arrived, I, at once, should call upon him officially, to receive them at my hands as criminals, and that upon the course the Government adopted, the spirit of sincerity, in which the negotiations for the accomplishment of a Treaty for the extinction of the Slave Trade had been conducted, would be judged.

At this moment, we were summoned into the Queen's presence; as there were several other persons waiting for audiences, and a Council of Ministers was to be held immediately afterwards, I had not an opportunity of continuing the conversation.

As, however, I think it highly probable, that the Portuguese Government will refuse to receive the individuals in question, I lose no time in requesting instructions as to the course to be pursued in regard to them, in such a contingency.

No. 31.

M. de Carvalho to Viscount Palmerston.—(Received February 8, 1839.)

THE Undersigned, Chargé d'Affaires of Her Most Faithful Majesty, had the honour to receive the note addressed to him on the 2nd instant, by His Excel-

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lency Lord Viscount Palmerston, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, in which his Excellency acquaints the Undersigned, that Mr. Armitage, a mate of Her Britannic Majesty's ship, "Rover," intrusted with the charge of the schooner "*Flor de Loanda*," and of the persons belonging to that vessel, who have recently arrived in England, has been promoted to the rank of Lieutenant, as a mark of the satisfaction with which Her Britannic Majesty's Government have viewed the proceedings of the "*Rover*."

His Excellency Lord Viscount Palmerston also acquaints the Undersigned, that it is the intention of the Lords of the Admiralty to promote Lieutenant Bosanquet, of Her Majesty's ship "Leveret," to the rank of commander, and to appoint him to the command of a ship of a superior class, to cruize upon the African station, as a reward for his activity and perseverance in the suppression of the Slave Trade; and His Excellency concludes by requesting the Undersigned to communicate the preceding statement to the Government of Her Most Faithful Majesty, as containing evidence of the determination of Her Britannic Majesty's Government to watch over, and by every proper means to accomplish, the suppression of the illegal traffic in slaves.

The Undersigned in reply has the honour to assure His Excellency Lord Viscount Palmerston, that he will not fail to transmit to his Government by next Saturday's mail, a copy of His Excellency's note, and at the same time begs leave to observe, that such a proceeding on the part of Her Britannic Majesty's Government cannot but be deeply felt by that of Her Most Faithful Majesty; for, with respect to the capture of the Portuguese schooner, "*Flor de Loanda*," by the British ship "Rover," it has already been proved without contradiction, that, there being yet no new treaty concluded between the two Crowns of Portugal and Great Britain for the total abolition of the Slave Trade, the existing treaties on this subject do not confer on British cruizers the least right to detain any Portuguese ship employed in the Slave Trade, which may be met with south of the equator; and such being the case with the "*Flor de Loanda*," the promotion of Mr. Armitage to the rank of Lieutenant, as a mark of satisfaction for the part he took in the proceedings of the "Rover," is not the reward of merit, but an encouragement to violate the law of nations, not creditable to any Government, and less to be expected from the British towards its ancient and ever faithful ally.

The statement respecting the promotion of Lieutenant Bosanquet to the rank of commander is still more extraordinary, and highly offensive to the dignity of the Portuguese Crown: since, after Her Britannic Majesty's Government had expressed their regret, that the conduct of Lieutenant Bosanquet in searching the vessels in the harbour of Moçambique, without the permission and concurrence of the Portuguese authorities, and in searching the Spanish ship "*Diogenes*," and retaining possession of her, in a Portuguese harbour, had given *just* cause of complaint to the Government of Portugal, it could hardly be thought that Her Britannic Majesty's Government, instead of granting, as requested, a sufficient reparation of the insult offered to the Portuguese Crown and flag, and admitting the just claim preferred by the owner of the "*Diogenes*," for the sum of 181,855 dollars, as a compensation for the losses and damages occasioned to him by Lieutenant Bosanquet's attack upon, and detention of, his vessel at Moçambique, would reward the said Lieutenant for his conduct, thus sanctioning the attack made by him, in a port belonging to an ancient ally of his Sovereign, in contempt of the rights and dignity of the Crown of Portugal, and of the law of nations, which is, and ought effectually to be, the same for the weak, as well as the powerful.

And are such the *proper* means which Her Britannic Majesty's Government are determined to pursue, in order to accomplish the suppression of the illegal traffic in slaves, at the time, moreover, that negotiations to this effect are pending between the two Crowns of Portugal and Great Britain? Let impartial justice decide whether they are worthy of a liberal and enlightened Government.

The Undersigned avails himself with great pleasure of this opportunity to renew to His Excellency Lord Viscount Palmerston, the assurances of his highest consideration.

(Signed) CHEV. REBELLO DE CARVALHO

London, February 7, 1839.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

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No. 32.

Lord Howard de Walden to Viscount Palmerston.—(*Received February* 12.)

(Extract.) *Lisbon, February* 2, 1839.

I HAD yesterday an interview with the Viscount de Sà da Bandeira at the Foreign Office, when I communicated to His Excellency the contents of your Despatch of the 19th of January last, Slave Trade, in which your Lordship states the grounds on which Her Majesty's Government must refuse to admit of any concession on the four points, which had been specified by me as the principal causes of dissent on the part of the Viscount de Sá, to the last project of treaty for the abolition of the Slave Trade.

His Excellency declared that there was no force in any of your Lordship's reasoning, except in regard to the non-insertion of the clause regarding ancient treaties (as required by the Viscount de Sá); the objections to which he remarked were "specious." He then added, that these were not all the objections he had to the project; that there were many others.

I reminded him, that the points in question were the objections he had made to the text of the project as it stood; that we had not gone into the question of insertions, modifications, and amendments, which he might *desire* to make in it, to render it more in conformity to the project which he had proposed; that it was quite unnecessary for us to enter into further detailed discussion, being at variance on so many main points, on which Her Majesty's Government could not make any concession; that upon these alone the negotiation must be brought to a close, if not agreed to by the Portuguese Government.

I then entered into a long discussion with the Viscount de Sá on the inconvenient effect his resistance would entail on the general relations existing between Portugal and Great Britain, pointing out how little sympathy he would obtain from his "protection of the slave-traders," as that was, in fact, the practical view which would be taken of his course of policy with regard to the Slave Trade treaty; that as for difficulty with the Cortes, I was myself perfectly satisfied, that no one would get up to say one word publicly against the proposed Slave Trade treaty, if declared necessary by the Government for the prosperity of the Portuguese colonies; that Portugal gained nothing by the delay in the Treaty, while, according to his own admission, he was retarding the civilization and prosperity of her colonies, and endangering her relations with Great Britain.

The Viscount had recourse only to his old arguments, but on my pressing him for a decision on the Treaty, he replied, "perhaps you may be able to sign it with another Minister."

This gave rise to some conversation on the instability of the Government, but on my not admitting the probability of a change, he concluded by saying he must see what the Cortes would say on the subject of the Slave Trade, on discussing the Address. On my asking him who was likely to introduce a discussion on this topic, he informed me he would himself speak on the subject.

No. 33.

Lord Howard de Walden to Viscount Palmerston.—(*Received February* 12.)

(Extract.) *Lisbon, February* 5, 1839.

WITH reference to my Despatch, Slave Trade, of the 27th of January, I have the honour to inform your Lordship, that Her Majesty's ship "*Camelion*" arrived last night, having on board only 9 out of the 14 Portuguese prisoners named in the list sent out to Rear-Admiral Sir John Ommanney, by the Lords Commissioners of Admiralty.

No. 34.

Viscount Palmerston to Lord Howard de Walden.

MY LORD, *Foreign Office, February* 14*th*, 1839.

I HAVE received your Lordship's Despatch, Slave Trade, of the 27th of January, 1839, respecting certain individuals, who formed part of the crew of the

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Portuguese slave-vessel "*Diligente*," recently captured by Her Majesty's ship "Electra," and who have been sent to Lisbon, to be there delivered up to the Portuguese authorities, to be tried by Portuguese law.

With reference to my Despatch to your Lordship, of the 2nd instant, I have to instruct you, to cause the men in question to be handed over to the Portuguese Government; and I have to desire, that your Lordship at the same time will present a note to the Portuguese Government, calling upon that Government to bring the men in question to punishment, by due process of Portuguese law. It must rest with the Portuguese Government to take what course it chooses to adopt on this matter; but when once the individuals in question have been given up to the Portuguese Authorities, neither Sir John Ommanney nor your Lordship will have any more concern with them.

You will consult with Sir John Ommanney as to the manner of carrying this instruction into effect.

I am, &c.
(Signed) PALMERSTON.

The Lord Howard de Walden,
&c. &c. &c.

No. 35.

Viscount Palmerston to Lord Howard de Walden.

My Lord, *Foreign Office, February 16th*, 1839.

I have received your Lordship's Despatch, marked Slave Trade, of the 5th instant; and I herewith forward to your Lordship a copy of a Despatch and of its enclosures, which I have received from Her Majesty's Commissioners at Rio de Janeiro, and which contains the only information received at this office respecting the capture of the Portuguese slave vessel "*Diligente*," beyond that which has already been communicated to your Lordship in my Despatch of the 2nd instant.

I am, &c.
(Signed) PALMERSTON.

Lord Howard de Walden,
&c. &c. &c.

Enclosure in No. 35.

Rio Commissioners to Viscount Palmerston.—December 12, 1838.

(See Class A., No. 53, p. 130.)

No. 36.

Lord Howard de Walden to Viscount Palmerston.—(Received February 19.)

(Extract.) *Lisbon, February 11th*, 1839.

I have the honour to acknowledge the receipt of your Lordship's Despatch of the 2nd instant, Slave Trade, relative to part of the crew of the Portuguese slaver "*Diligente*," who have been sent to Lisbon in Her Majesty's ship "Camelion," to be delivered over to the Portuguese authorities, to be punished under the law prohibiting the Slave Trade.

I shall lose no time in addressing the Viscount de Sâ da Bandeira on the subject.

I learn from Rear-Admiral Sir John Ommanney, that only nine out of the fourteen named in the list transmitted by your Lordship have as yet arrived; the remaining five are not accounted for.

No. 37.

Viscount Palmerston to Lord Howard de Walden.

My Lord, *Foreign Office, February* 23, 1839.

I herewith transmit to your Lordship, for your information, a copy

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of a letter which I have received from Messrs. Simpson and Cobb, respecting the slave vessel the "*Flor de Loanda*," and a copy of the answer which I have returned thereto.

I am, &c.
(Signed) PALMERSTON.

Lord Howard de Walden,
&c. &c. &c.

First Enclosure in No. 37.

Messrs. Simpson and Cobb to Viscount Palmerston.

My Lord, 11, *Austin Friars, February* 2, 1839.

We have the honour to enclose, for your Lordship's consideration, the copy of a letter, which we have felt it our duty to address to the Solicitor for the Admiralty, on behalf of Captain Barboza, of the Portuguese brig "*Flor de Loanda*," and his companions, and of Mr. Jones's reply to us.

In bringing this subject under your Lordship's notice, we beg leave to add, that we have no desire to press for extreme right on behalf of these parties, and in proposing that the ship and cargo should be restored to Captain Barboza, we hope that we have asked for nothing unreasonable under the circumstances of the case.

We have, &c.
(Signed) SIMPSON and COBB.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Sub-Enclosure A. in No. 37.

Messrs. Simpson and Cobb to Mr. Jones.

Sir, *No.* 11, *Austin Friars, January* 31, 1839.

Captain Barboza, having been released from his confinement, has arrived in town, and has consulted us on the subject of the seizure of his vessel and cargo, her detention after the result of the Mixed Commission at Rio was declared, and the injuries which he and his companions have suffered.

Looking at the result of the proceedings before the Mixed Commission at Rio de Janeiro, a copy of which is now before us, and the release of Captain Barboza after the issuing of the writ of Habeas Corpus, we cannot consider the result of an appeal to a court of justice on their behalf as at all doubtful; but we have no wish to resort to such an alternative, unless compelled to do so, and the conduct we have pursued in not calling for a return of the writ, will, we hope, be taken as evidence of our wish to act with moderation. Under these circumstances, we have considered it advisable to address the present communication to you, in the hope that Her Majesty's Government will give immediate orders for the release of the brig "*Flor de Loanda*" and her cargo, and if this should be done, we should advise Captain Barboza to rest satisfied, and waive any claim for damages; but if Her Majesty's Government should decline to grant this reasonable request, we must then consider what steps he should adopt, for the purpose of obtaining redress for the injuries which he has sustained. We think it right to add, that we now address you as the Solicitors of Captain Barboza and his companions, and that we are instructed by them, and not by the Portuguese minister, who, having procured the release of his countrymen, has done all that at present he considers necessary on his part.

We have, &c,
Charles Jones, Esq. (Signed) SIMPSON and COBB.

Sub-Enclosure B. in No. 37.

Mr. Jones to Messrs. Simpson and Cobb.

Gentlemen, *Lancaster Place, February* 1, 1839.

I beg leave to acknowledge the receipt of your letter of yesterday's

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date, applying, on behalf of M. Barboza for the restoration of the "*Flor de Loanda*" and her cargo of slaves, and to acquaint you that, as the disposal of that vessel and her cargo rests with the department of Her Majesty's Principal Secretary of State for Foreign Affairs, between whom and Mr. Carvalho, the Chargé d'Affaires of the Queen of Portugal, some correspondence has taken place on the subject, it is not in my power to give any answer to your application.

I am, &c.

(Signed) CHARLES JONES.

Messrs. Simpson and Cobb, 11, *Austin Friars.*

Second Enclosure in No. 37.

Mr. Strangways to Messrs. Simpson and Cobb.

GENTLEMEN, *Foreign Office, February* 22, 1839.

I AM directed by Viscount Palmerston to acquaint you, with reference to your application to his Lordship respecting the slave-vessel the "*Flor de Loanda*," that nothing, which has occurred with respect to that vessel, can be considered as depriving the captors of the right to take her and her slaves for adjudication, to a Mixed British and Portuguese Court of Commission.

For although both the ship and her owner were Brazilian and not Portuguese, in the view in which the Brazilian Court would have had to consider them; and although, therefore, the Mixed British and Brazilian Court of Commission might have proceeded on sure grounds to adjudicate the case; yet as M. Barboza was by birth a Portuguese, and insisted on these circumstances as exempting him from the jurisdiction of the Brazilian Commission, he cannot now, with propriety, object to the jurisdiction of a Portuguese Commission.

Her Majesty's Government have accordingly determined, that the case of the "*Flor de Loanda*" shall be submitted to the Mixed British and Portuguese Commission at Sierra Leone; and the vessel, which, not being sea-worthy, has been detained at Rio Janeiro, will be kept in deposit to await the judgment of the Court.

I am, &c.

(Signed) W. S. STRANGWAYS.

Messrs. Simpson and Cobb,
&c. &c.

No. 38.

Lord Howard de Walden to Viscount Palmerston.—(*Received February* 26.)

MY LORD, *Lisbon, February* 15, 1839.

I HAVE the honour to acknowledge the receipt of your Lordship's instructions, relative to the individuals, lately part of the crew of the slaver "*Diligente*," captured by HerMajesty's ship "Electra," and who have been sent out to Lisbon by the Lords Commissioners of the Admiralty, to be delivered over to the Portuguese Government, to be tried for the offence which they have committed against the laws of Portugal.

I herewith enclose a copy of the note, which I have addressed to the Viscount de Sà da Bandeira on the subject. To this communication I received from His Excellency, after two days' interval, a note, requesting to know in what latitude the "*Diligente*" had been captured; of this I transmit a copy, as also of my reply, furnishing His Excellency with an extract from the Log of Her Majesty's ship "Electra."

I have, &c.

(Signed) HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 38.

Lord Howard to Viscount de Sà da Bandeira.

MY LORD, *Lisbon, February* 11, 1839.

THE Undersigned, &c. has the honour to inform the Viscount de Sà da Bandeira, &c. that nine persons, part of the crew of the Portuguese brigantine-

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schooner "*Diligente*," captured, having 302 slaves on board, by Her Majesty's ship "Electra," have been sent to Lisbon, under orders from Her Majesty's Government, to be delivered over to the Government of Her Most Faithful Majesty, to be dealt with by them according to the law of Portugal, by which the Slave Trade is prohibited, and the penalties regulated, by which those guilty of participation in this infamous traffic are to be visited.

A mate and a corporal of Her Majesty's ship "Electra," have also arrived as witnesses, to give evidence against the above-mentioned individuals, and are in possession of documents explanatory of the case.

The Undersigned having reported these circumstances to the Viscount de Sà da Bandeira, awaits information from His Excellency, as to the delivering up to the Portuguese Government of the nine men in question, whose names are herewith recorded, in order that, being Portuguese subjects, they may be tried for their offences by the Portuguese Tribunals.

As the Undersigned has reason to believe, that the "*Diligente*" was fitted out in the Tagus, he therefore thinks it useful to call the attention of the Viscount de Sà to this circumstance, which, if correct, can no doubt be proved, and would aggravate materially the criminality of those engaged in the Slave Trade enterprize of this vessel bearing the Portuguese flag.

The Undersigned, &c.
(Signed) HOWARD DE WALDEN.

Names of the Nine Persons forming part of the Crew of the Slaver "Diligente."

José Martinho.	Carlo Fereira.
Manoel Martinho.	Pedro Antonio.
Francisco Jozé.	Francisco da Silva.
João Santiago.	José Francisco.

José Estevão.

His Excellency the Viscount de Sà de Bandeira.
&c. &c. &c.

Second Enclosure in No. 38.

(Translation.)

Viscount de Sà da Bandeira to Lord Howard de Walden.

My Lord, *Foreign Affairs' Office, February 13th*, 1839.

Having received your Lordship's note of the 11th instant, in which your Lordship informs me, that nine sailors belonging to the Portuguese brigantine "*Diligente*," captured, with 302 slaves on board, by Her Britannic Majesty's brig-of-war "Electra," and who are sent by the British Government to be judged by the Portuguese laws, which prohibit the trade in slaves, I have the honour to request, that your Lordship may be pleased to declare in what latitude and longitude the said brigantine, to which the above-mentioned sailors belong, was captured; as also that your Lordship may be pleased to communicate to me such communications as your Lordship possesses, and upon which your Lordship declares in the said note, that you have every reason to believe, that the said brigantine was equipped in this port.

I remain, &c.
(Signed) SA DA BANDEIRA.

The Lord Howard de Walden,
&c. &c. &c.

Third Enclosure in No. 38.

Lord Howard de Walden to Viscount de Sà da Bandeira.

Monsieur Le Vicomte, *Lisbon, February 14th*, 1839.

I lose no time in forwarding to Your Excellency the information you request in your note of yesterday, respecting the capture of the slaver "*Diligente*," which will be found in the accompanying extract from the Log of Her Majesty's ship "Electra." Any additional particulars required by Your Excellency can

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probably be supplied by the witnesses, who, I have already informed Your Excellency, have been sent out to Lisbon by Her Britannic Majesty's Government, for the purpose of affording to the proper authorities, evidence in the prosecution of those of the slave-trading crew, who are placed at the disposal of the Government of Her Most Faithful Majesty.

The above witnesses are ready to make their deposition before any magistrate, pointed out or named by Your Excellency as authorized to receive the same.

With respect to the fitting out of the "*Diligente*" in this port, having furnished Your Excellency with the name of the vessel, as well as of part of the crew, who are Portuguese subjects, and having relations and acquaintance at Lisbon, no difficulty can be experienced on the part of the Custom House or the police, in giving Your Excellency every particular which may tend to identify her, if the vessel suspected; but, with respect to which further evidence, taken before the Mixed Commission at Sierra Leone, will, no doubt, afford all necessary information.

I have, &c.

(Signed) HOWARD DE WALDEN.

His Excellency the Viscount de Sà da Bandeira,
&c. &c. &c.

Fourth Enclosure in No. 38.

Copy of the Log of Her Majesty's Sloop "Electra," on the 1st of December, 1838.

H.	K.	F.	Courses.	Winds.	Lee-way.	Squalls.	Remarks.—Her Majesty's ship "Electra," Dec. 1, 1838.
1	8	..	N. N. E. ½ E.	..			A.M.—Moderate breezes and hazy, in flying jib, carried away main-top-gallant sheet; 2.20, squally, up mainsail, and lowered top-gallant sails; 2.30, set ditto; 4, fresh breezes and squally; 5.10, squally, in top-gallant sails; 6, set ditto; 7.30, set main royal and flying jib; 8, calm and cloudy; 9, mustered by divisions; 9.15, observed a suspicious schooner on weather bow; hoisted American colours; schooner showed Monte Videan; 10.10, schooner hauled to the wind, hoisted our colours, which was not answered; fired a gun; schooner not shortening sail, fired several shots close to her; noon, schooner tacked. Schooner N. 77° E. 1 mile.
2	8	..	N. E. by N.	..			
3	6	..	N. N. E.	Vble.			
4	6	..	..	..			
5	8	4	N. by E.	..			
6	8	4	N. by E. ½ E.	..			
7	7	4	N. by E.	East			
8	5	4	N. N. E.	..			
9	7	..	N. by E. ½ E.	..			
10	7	4	..	..			
11	7	6	S. by E. ½ E.	Vble.			
12	8	4	..	..			

Course.	Distance.	Latitude S.		Longitude W.		Bearings and Distance at Noon.
		D. R.	Obs.	D. R.	Chr.	
N. 78 E.	109	16.40	16.38.	29.29	29.54	Isle Fernando de Noronha N. 11° W. 780 Miles.

H.	K.	F.	Courses.	Winds.	Lee-way.	Squalls.	Remarks.—Her Majesty's ship "Electra," Dec. 1, 1838.
1	1	4	N. E. ½ E.	..			P.M.—Fresh breezes and squally; 12.10, tacked, fired several shot close alongside of schooner; 1, she shortened sail, and hoisted Portuguese colours; shortened sail, hove to, and boarded the "Diligente" brigantine with 302 slaves on board, bound to Rio; sent Lieutenant Heseltine, Mr. Parson, Mate, five seamen, and three Marines, to take her to Rio, with six weeks' provisions, and nine casks of water; 4, ditto were; received 14 men (part of the crew) from the schooner; 6, squally, with rain; 6.20, filled, made sail, and parted company with prize, giving her three cheers; squally; in third reef of misen topsail and top-gallant sails; midnight, ditto. (Signed) WM. PRESTON, Commander.
	3	..	N. by E.	..			
2	..	..	..	E. by N.			
3	..	Up.	N. E. by N.	..			
4	..	..	..	..			
5	..	Off	N. N. W.	..			
6	..	..	..	..			
	..	..	..				
7				Vble.			
	3	4	N. by E.				
8	6	..	N. ½ E.	..			
9	8	..	North.	..			
10	8	..	..	..			
11	8	..	N. by E.	..			
12	8	..	N. by E. ½ E.	..			

No. 39.

Lord Howard de Walden to Viscount Palmerston.—(*Received February* 26.)

(Extract.) *Lisbon, February 15th,* 1839.

THE debate in the Chamber of Deputies, on the Slave Trade abolition question, adjourned on Saturday the 9th instant, was resumed on Wednesday. The general tone of the discussion was creditable and satisfactory. The various

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amendments, which had been proposed on the first day's discussion, were withdrawn after the speech of Viscount de Sà da Bandeira, under an explanation made, as on the part of the House, by Senhor Jozé da Silva Carvalho, that having expressed UNANIMOUSLY their desire that the Slave Trade should be effectually put down, the Government were called upon to concert the proper means of carrying into effect, without delay, the object they all had in view.

On the following day I called on the Viscount de Sà da Bandeira, in order that he might fix a time, when the question of the acceptance or rejection of the ultimatum of Her Majesty's Government, might be definitely announced to me.

The Viscount de Sà admitted that the tone of the Cortes had relieved him from much of anticipated difficulty in that quarter; but, from his language, it was evident to me that he had not at all altered his intention of refusing to sign the Treaty. He again alluded to the unsuitableness of making any engagements in perpetuity, harping upon the necessity of the absolute power of revision, and denouncing as absurd and impracticable Annex C.

The Right of Visit constitutes, I have no doubt, the real objection of the Viscount to the principle of perpetuity so contested by him.

I in vain endeavoured to combat the pertinacity, with which His Excellency insisted upon the duration of the Treaty being for a limited period, by calling on him to state to me, what practical inconveniences there were, which even the liveliest imagination could conjure up as possible to be incurred by Portugal, which could for a moment be weighed against the positive and immediate loss, under which, according to his own admission, this country was suffering, from the continuance of Slave Trade in her colonies. I then entreated him to consider the extent of the disgrace upon the Portuguese flag, and the embarrassment to the Government in their relations with Great Britain, which would be entailed as the consequence of breaking off the negotiations of the Treaty, on such grounds as those he had stated, with regard to Annex C. I pointed out to him, that it might be true that certain provisions might be difficult of execution in the Portuguese colonies; and that also, as he argued, changes might and probably would take place, after lapse of time, to render alterations highly necessary; but I explained to him, that we proposed this code of regulations, as the result of long consideration and experience, as the one best calculated, as at present informed, to attain the object in view —the welfare of the liberated Africans; that it was never deemed to be immutable; that this being the case, it might be looked upon even as only a basis, on which he would find Her Majesty's Government at all times ready to co-operate with the Portuguese Government, for the purpose of amending existing, or enacting any new, regulations, which might be rendered desirable for the protection and benefit of the free blacks in question.

The Viscount replied to my arguments, that he could not, in his conscience, give up these points; and that being the case, he did not see what could be done, the interests and dignity of the country being involved in these concessions.

On this I asked him whether he considered the interests and dignity of the country, when he recollected the consequences of breaking off this Treaty; that the prosperity of the colonies would be deferred thereby indefinitely; that his country would be denounced by all the civilized world, as the protector of Slave-traders and the abettor of the Slave Trade; that in the British Parliament the strongest measures adopted against Portugal would be hailed with acclamation, while speeches there pronounced, most injurious to the character of the Government and of the nation, would go forth to all parts of the world unanswered; that he and his friends might cry out and declaim against us in reply as much as they liked in the Cortes; that nothing they said would be heard of or read out of Portugal.

I then reminded him of the consideration of the honour of the flag, and asked him whether provoking proceedings against it was consulting the honour and dignity of the nation. I concluded, however, by saying, that I did not call upon him for a definitive answer on the subject of the Treaty that day, but that I should do so on Saturday, after he had had time to consult with his colleagues.

No. 40.

Lord Howard de Walden to Viscount Palmerston.—(*Received February* 26.)

(Extract.) *Lisbon, February* 17, 1839.

I CALLED yesterday on the Viscount de Sà da Bandeira, according to appointment, to receive from His Excellency the communication of the decision of the

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Portuguese Government, as to the acceptance or rejection by them of the definitive project of Treaty for the abolition of the Slave Trade, proposed by Her Majesty's Government after the most mature consideration, and adopted as the result of the long-pending negotiations for the fulfilment of the engagements of the Crown of Portugal, and which had been presented by Mr. Jerningham on the 1st of last August, as the ultimatum of Her Majesty's Government.

On my inquiring of His Excellency, what communication he had to make to me, he placed in my hand copies of your Lordship's note of the 2nd of this month to Senhor Carvalho, the Portuguese Chargé d'Affaires, and of the answer which that agent of the Portuguese Government had returned to it. I returned the papers to him, saying that I had already received from your Lordship a copy of the first note, but had not seen the second, (*i. e.* the answer,) remarking that all such painful correspondence would have been avoided by the conclusion of the proposed Treaty, and that this was another instance of the importance—as affecting a good understanding between the two Governments—of its signature.

His Excellency declared that, treated as he was, he would never sign the Treaty; that he would not be dictated to in the manner which had been attempted by the British Government; that it was not so that a friendly country was to be treated; that, after all the trouble he had taken, for the purpose of concluding a satisfactory Treaty, the result of previous labours had been set aside by your Lordship, and an entirely new counter-project had been brought forward; that there had, in fact, been no question of negotiation; that your Lordship's Despatch to Mr. Jerningham, which had been communicated to him by your Lordship's instructions, had made it impossible for him to consent to adopt the Treaty in the form in which it was presented; that his honour forbade him to do so; that, let the consequences be what they might, he would not now sign this Treaty; that the fault would not be his, and that therefore he did not care, and that he would publish all the correspondence.

He assured me he did not mean to say anything offensive; but that he thought himself ill treated, and that justice had not been done to his intentions, which had caused him to express himself with warmth as to his determination.

I replied, that as he had come to a decision, there was but little more to be said; that although I could not at all comprehend the feelings which had influenced him, in persevering in a policy so certain to produce consequences directly at variance with the interests of his country, yet that I must make some comment upon the inaccuracy of several of the assertions he had advanced in support or justification of his line of conduct.

First, with regard to the counter-project which had been presented by Mr. Jerningham, accompanied by a communication, which he appeared to consider offensive. I must call his Excellency's attention to the fact, that the counter-project in question was nothing more or less than the general winding up of all previous propositions and counter-propositions; that I need only refer him to the original project, to prove the extent of the alterations which had been made during the late negotiations, and the desire which had been manifested by Her Majesty's Government to meet His Excellency's views and wishes, wherever it was practicable; that this counter-project being the result of mature deliberation, Her Majesty's Government having gone to the utmost point, in adopting the amendments and alterations proposed by Portugal, Mr. Jerningham was desired not to send back again (it being useless to do so) any of those propositions not consented to, and which Her Majesty's Government had thus deliberately and definitively rejected; that this counter-project, which the Viscount de Sà denominated quite new, was, to all intents and purposes, as far as the question of negotiation was to be considered, nothing more than the draft of the counter-project which he had presented, though amended in form, and adapted to the principles necessary to be adhered to by Her Majesty's Government; that negotiations could not go on indefinitely; that when points of dissent existed, the time must come when one party or the other must at last propose their ultimatum, and that Her Majesty's Government had adopted this course only after four years' fruitless negotiation; that now, upon the causes alleged by him for his dissent, would the sincerity of the motives of his rejection of this Treaty be pronounced by the world.

I then proceeded to remark upon what he said with respect to the tone of some of your Lordship's official communications. I admitted they were not couched in the terms usual towards a Government, in relations of strict friendship with another, but I begged leave to refer him to his own correspondence, to the notes

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which he had signed, or had ordered to be presented, the first in June, addressed to me after my departure from Lisbon, respecting the Slave Trade; a second on the part of Senhor Carvalho, respecting the "*Diogenes*," and also a third respecting the "*Flor de Loanda*," and to ask him whether he was to suppose, that the offensive terms and spirit of those notes, for which he was responsible, whoever might be the authors, could be expected by him, to be passed over by your Lordship, and to be nugatory, as to their effect, on the friendly and conciliatory tone which had so long and so unprofitably been maintained towards the Portuguese Government. I reminded the Viscount de Sà that in fact, even since the Revolution, the system of the Portuguese Government, as illustrated by their measures and acts, had been as hostile as possible towards Great Britain; that, therefore, your Lordship could not look upon the Government of Portugal as standing in relations of strict friendship towards that of Her Majesty.

The Viscount was unwilling to admit, that the tone of the notes referred to was such as I had characterized, and he proposed to go over them at an early day, with me, it being too late then to do so. I then inquired of His Excellency, whether it was his intention to forward any instructions to the Portuguese Chargé d' Affaires in London, to make any communication on His Excellency's part, in explanation to your Lordship on the subject of the breaking off the negotiations of the Treaty.

He replied, that he did not mean to make any communication to the Portuguese Chargé d' Affaires, that he had nothing more to add to what he had said to *me*; that he could not sign any Treaty dictated, as this had been, to the Government of Portugal.

No. 41.

Lord Howard de Walden to Viscount Palmerston.—(*Received March* 3.)

My Lord, *Lisbon, February 18th*, 1839.

I omitted, owing to press of time, in reporting to your Lordship yesterday, the substance of my final interview, on the previous day, with the Viscount de Sá da Bandeira, with reference to the signature of the proposed Slave Trade Treaty, to record a most important feature in our discussion, which was that relating to the extent of the engagements of the Crown of Portugal, under the true interpretation of existing Treaties.

On my laying great stress on the pledges given by the Crown of Portugal to co-operate with Great Britain to put down the Slave Trade, and on the extent to which, in direct violation of the stipulations of Treaties, the Portuguese Government had ever since 1826 protected this traffic, His Excellency contended, that it had been legal south of the line, until the publication of the Decree of the 10th December, 1836.

I called upon him to turn to the Treaty of 1815, and to the Convention of 1817, the last of which indeed, under the additional Article of 11th September, 1817, had in fact become the special law applicable to the Slave Trade, since the abolition of the Slave Trade by the Decree of the 10th of December, 1836. I pointed out to His Excellency, that by Article 4th of the Treaty of 1815, "The high contracting parties reserve to themselves, and engage to determine, by a separate treaty, the period at which the trade in slaves shall universally cease, and be prohibited, throughout the entire dominions of Portugal;" but that the Prince Regent renewed his declaration and engagement, that during the interval which is to elapse before such general and final abolition of the Slave Trade, "it shall not be lawful for the subjects of Portugal to engage in the same, or to permit their flag to be used, except for the purpose of supplying the transatlantic possessions belonging to the Crown of Portugal;" that in Article 1st of the Convention of 1817, which was to be considered as the real basis of the Treaty, and the true interpretation of the spirit of the engagements contracted by the Crown, it was distinctly laid down, that "the object of the Convention was, on the part of the two Governments, mutually to prevent their respective subjects from carrying on an *illicit slave trade*;" that the two high contracting Powers declare, that they consider as "illicit, any traffic in slaves carried on under the following circumstances:—

"1st. Either by British ships, and under the British flag, or for the account of British subjects, by any vessel, or under any flag whatsoever.

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"2nd. By Portuguese vessels in any of the harbours or roads of the Coast of Africa, which are prohibited by the 1st Article of the Treaty of the 22nd January, 1815.

"3rd. Under the Portuguese or British flag, for the account of the subjects of any other Government.

"4th. By *Portuguese vessels bound for any part not in the dominions* of His Most Faithful Majesty."

That although it was true, that a reservation had been made at the time in favour of the Transatlantic Dominions of the Crown of Portugal, yet that even the exercise of that right had been invested with numerous restrictions, for the special purpose of preventing abuse under the clause of reservation.

I called His Excellency's attention also to the form of Instructions for Cruizers, in which it is distinctly laid down that the exception made is only in favour of what has been defined as *legal traffic;* that by Article 4th of the Convention of 1817, where the traffic continued to be lawful, every vessel destined for the Slave Trade must nevertheless be provided with a Royal Passport, conformable to the model annexed to the Convention, of which this model formed "an integral part;" that this passport is to be signed by the "Minister and Secretary of State for the Affairs of the Marine and Transatlantic Dominions, and to be granted solely under special conditions and obligations;" and they are moreover to show, that they have complied with the provisions of the Alvará of the 24th of November, 1813, by which His Majesty was pleased to regulate the conveyance of Slaves from the coast of Africa to his dominions of Brazil;" "that this passport is to specify the number of Slaves authorized under the Royal License."

I then proceeded to analyze the separate Article of the 11th of September, 1817, which I contended was evidently to be interpreted according to the true spirit of preceding Treaties, as a provision for that new state of things, which was contemplated on the general abolition of the Slave Trade taking place in Portugal; and that in default of other stipulations which might possibly then be thought expedient by both countries, the additional Convention was at all events to come into general operation for 15 years, the reservation stipulated for in Article 2nd and Article 4th being obviously cancelled, under the *new* state of things, which rendered this provident explanation adviseable. His Excellency was not disposed to admit this interpretation of the Separate Article; but I maintained, that even if a doubt could exist as to the real intent of that Article, all obscurity must at once be removed by turning to the Treaty between Great Britain and Spain, concluded at the same time, identical in spirit and almost the same in text, in which this same reserved right of carrying Slaves south of the Equator, so contended for by Portugal, is equally stipulated for on the same basis, and conceded on the same grounds and under the same qualifications, to the purport that "no Spanish merchant-man, or slave-ship, shall on any pretence whatever, be detained, which shall be found anywhere near the land or on the high seas, south of the Equator, *during the period for which the traffic is to remain lawful, according to the stipulations subsisting between the high contracting parties.*"

The Viscount de Sá da Bandeira was naturally unwilling to admit the interpretation of the Separate Article to the extent for which I contended; but the result of our discussion on this point was, that he was forced to admit that under the actual provisions of the Treaty, the Slave Trade had in fact become illegal universally for Portugal (owing to the impossibility of complying with the forms so minutely prescribed as integral parts of the Treaties) since the separation of the transatlantic possessions of Portugal from the mother country.

I took the opportunity, while commenting upon the extraordinary measure of a claim being put forward by the Portuguese Government for indemnity for a Slaver, of reminding His Excellency, that it was distinctly laid down by Treaty, (in Article 9th, Convention of 1817), that in the event of a Slave Vessel captured not being condemned by the Mixed Commission, she was in no way entitled to compensation for more than the amount of Slaves she was *legally entitled to carry;* and I asked his Excellency, on what new basis, *the carrying Slaves being acknowledged by him to be illegal*, compensation was to be calculated for a Slaver. On this His Excellency had not a word to say, but again declared it was a mere question of the "*Flag*." He still, however, maintained, that Great Britain had not the right of search, south of the line, under Treaties, and that that was the important point at issue, the essence of the dispute; while I contended, that the protection afforded

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by the Portuguese Flag to the Slave Trade, which was now admitted by him to be illegal under the engagement of Treaties, constituted the whole question, and was the one on which his claim for continued respect or forbearance towards the flag of Portugal would be brought to the test.

I have, &c.

(Signed) HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 42.

Lord Howard de Walden to Viscount Palmerston.—(Received March 3.)

(Extract.) *Lisbon, February 21st*, 1839.

I HAD yesterday an interview with the Viscount de Sá da Bandeira, when I resumed the subject of our discussion on the previous Saturday, as reported in my Despatch marked Slave Trade, of the 17th instant, respecting the tone of the official correspondence of the Portuguese Government, with that of Great Britain.

I said, that as His Excellency complained especially of the tone of some of your Lordship's notes, I would merely request him to cast his eyes over some of the notes of Portuguese diplomatic agents, on questions connected with the Slave Trade, and see whether they were such, in expression or spirit, as entitled the Portuguese Government to any forbearance on the part of Great Britain.

I said, I particularly attended to the correspondence relative to the "*Diogenes*," and the "*Flor de Loanda*," as they were the cases more immediately before us, and as connected with the communication made by your Lordship to Senhor Carvalho, at which His Excellency expressed himself so much hurt and offended.

I then went through the note of Senhor Carvalho, which I called to His Excellency's recollection, had been presented by that agent, by His Excellency's orders, after an explanation had been afforded to the Portuguese Government of the extraordinary provocation given by this piratical slaver, and which had entailed the proceeding on the part of Her Majesty's ship "Leveret," but which, although by no means justified by Her Majesty's Government, in the breast of unprejudiced parties could not be interpreted an intentional insult to the flag of Portugal, notwithstanding its character of hostility to the piratical slaver seeking protection under the flag of Portugal. I then pointed out the expressions "atrocious violence," "great offence offered to the Crown of Portugal and flag," "outrageous attack," "criminal conduct;" the designating the proceeding of Lieutenant Bosanquet against the Spanish slaver "the greatest offence the Crown could have received, and so enormous a crime, that the Government of Mozambique would only fulfil its strict duty, if, repelling force with force, they had immediately ordered the said Lieutenant to be tried and punished with all the severity of the law;" calling for "a public disapprobation equal to the enormity of the offence," and "amends for all losses and damages," and characterizing the claim of the Captain of the "*Diogenes*" as "just," "and to which the Portuguese Government, pressed by the Spanish Government, and in fulfilment of its duty, in consequence of the boarding and capture of the '*Diogenes*' being perpetrated in a port of the Portuguese dominions, and under the batteries of one of its forts, gives all its support and adopts as its own before the British Government."

I then asked the Viscount, whether stronger expressions could have been used, had the occurrence taken place in the Tagus, without the slightest provocation having been given, or any explanation afforded to the Portuguese Government, and I added, What then is the real case? The Portuguese Government are affording their countenance to a piratical slaver under Spanish colours, guilty of having murdered and wounded part of a boat's crew, belonging to Her Majesty's ship "Leveret," and which had been protected by the slave trading authorities of Mozambique; that it was for a slave trader, in fact, that the Portuguese Government manifested such zeal.

The Viscount did not contest the justness of my remarks, but contended that it was entirely a question of respect due to the Portuguese flag, and that as such only it had been taken up by the Government.

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I then took up the note of Senhor Moreira, Portuguese Chargé d'Affaires at Rio de Janeiro, addressed to Mr. Ouseley, dated July 7th, 1838, and I called His Excellency's attention to the various passages in which that agent of the Portuguese Government designates the conduct of officers in Her Majesty's naval service as "scandalous and barbarous;" their acts "illegal, despotic, and inhuman," "scandalous and unheard of;" as violating "not only the *rights of nations*, but also every principle of humanity;" their proceedings as "hostile to all the bonds of friendship and peace existing between England and Portugal." All this, too, I said, was in favour of a slaver taken with slaves on board, in contravention of Portuguese laws, believed even to be Brazilian and owned by Brazilians; which vessel, with her cargo, this same agent had been applied to, to take possession of, in order to be sent to Portugal to be tried under the laws of their own country, and which he refused to do. I proceeded to remark, that I had not yet done with this Portuguese agent; that I must recall to His Excellency's recollection the document enclosed in the note addressed by Senhor Moreira to Her Majesty's Chargé d'Affaires, purporting to be a "Petition from Teixeira Barboza and other Portuguese subjects, prisoners on board the '*Flor de Loanda*.'" On going through this document, I specially called His Excellency's attention to the expressions "that the petitioners were suffering the most tyrannical and unheard of oppression;" that the Commander of Her Majesty's ship "Stag" "was trampling under foot all the laws of humanity;" that he was exercising the most "infamous and atrocious despotism on Portuguese subjects," (slave-traders, I remarked,) "having a right to expect every protection against the barbarous oppressors of their honour, life, and liberty; being victims of the scandalous exertion of superior force, and of the arrogant ferocity" of certain crews of vessels of war of Her Britannic Majesty, and suffering under horrible despotism, "sinking under the oppression of torments, their lives failing in the midst of disease, of oppression, and of misery."

I then proceeded to call His Excellency's attention to those parts in which the question is asked, "How long shall these arrogant despots, these petty tyrants, these senseless and ferocious executioners—how long shall these English officers consider themselves authorized to practise, within this port, every sort of violence and barbarity against subjects of another nation?" and in which it is stated, that "it is time to contend with energy for the rights of the petitioners, overturned with such haughtiness and coolness; it is time at once to put a stop to similar attempts, which offend against nature, revolt humanity, and violate the sanctity of treaties," and the rights of treaties invoked in order that "the laws of humanity should be respected, and the petitioners finally relieved from the oppression of such unheard of and revolting atrocity, suitable only to the ages of barbarism, only authorized by laws of iron, by the decrees of a despot, but never compatible with, or justifiable by the principles of sound philosophy, consecrated in the codes of civilized nations, and always held in veneration by free, humane, and civilized people," as also other passages of the same character.

During the reading of this document, I begged His Excellency as we went on to figure to himself all the above expressions respecting liberty, humanity, &c., as applied by the negroes to the Portuguese slave-trading crew, so zealously protected by Senhor Moreira, and to say whether the whole contents of this document, as an appeal to the Portuguese Government, ought not to have been construed as against them, as acting in direct violation themselves of all those high principles of right, justice, national protection, liberty, and humanity, so insultingly invoked by them.

The only remark in regard to the document made by the Viscount de Sá was, "les coquins!" He did not say a word in excuse of such language or proceedings, though he still harped upon the origin of all these "affairs" being the illegal search and detention of vessels, protected by the national flag of Portugal.

His Excellency then said that, to prove his anxious desire to bring to a termination all such differences as had been referred to, he had considered how the main difficulties in the way of the conclusion of a suitable Treaty for the suppression of the Slave Trade could be brought about, and he showed me some notes he had made on the various principal points, which were as follows:

1. The proposed guarantee of the safety of the colonial possessions, required by Portugal to be reduced to a general engagement of naval assistance from the Cape of Good Hope, to be afforded in case of emergency to the Portuguese authorities in Africa, without specifying details.

2. A declaration to be inserted, that nothing in the new convention was to be

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interpreted as invalidating any political engagements of friendship, alliance, &c., contracted under any former Treaties.

3. The crews of slavers captured, to be delivered up reciprocally, to be tried by the tribunals of their own country.

4. The abolition of the Slave Trade to be an engagement in perpetuity; but the stipulations as to right of visit, &c., and other details, to be limited to fourteen years.

5. Annex C., in the last counter-project to be suppressed.

6. The Viscount de Sá da Bandeira's counter-project (not the project presented on the part of Her Majesty's Government), to be admitted as the basis of the renewed negotiations.

On reading these memoranda, I at once told the Viscount de Sá, that such propositions were utterly inadmissible; that I could not now open any fresh negotiations as to terms; that I had reported to your Lordship the decision he had announced to me at our last conference; that I could make no alteration in the project which had been submitted to the Portuguese Government; and that if a Treaty was to be signed by me, it must be in strict conformity to the draft in His Excellency's possession.

This the Viscount declared to be impossible, protesting that he never would consent to sign such a Treaty, particularly after the manner in which it had been brought forward.

I took this opportunity of remarking to the Viscount de Sá, that while he was pleased to characterise as *dictatorial* the manner in which the last project had been presented to him as the ultimatum of Her Majesty's Government, (this too only after four years' negotiations with the different Portuguese ministers,) he entirely lost sight of what had been the tone employed by himself in a very early stage of our negotiations, even on presenting his first counter-project, which was accompanied by observations breathing anything but a cordial spirit of co-operation, and concluded in terms directly offensive, as regarded the actual engagements contracted at the peace between the Crowns of Portugal and Great Britain. I then briefly quoted some expressions in the last paragraph of the paper in question, in which the Viscount de Sá remarks, "that in the event of his proposition not being acceded to, his alternative would be, that the Mixed Commissions would thus be continued, with other stipulations of the Convention of 1817, prejudicial, and anything but decorous for the Portuguese nation; but it would only proclaim aloud, that these stipulations were only *one more* of the many onerous and *oppressive legacies* left by the absolute Government; and *whatever of odious* they might contain would never fall on the present one, which, by recurring to the Separate Article of the said Convention, will prove to the nation, that, in spite of the justice on their side, their efforts were fruitless to obtain better conditions; but in the mean time, that the British cruizers would in no way be allowed to exceed the instructions as regards Portuguese vessels, stipulated for in the said Convention of July 28th, 1817, and its annexes, and which, according to the Separate Article, are to remain in force for fifteen years longer."

The Viscount, on this, merely replied, that he really did not recollect what expressions he might have used on former occasions, but that he had to decide on the existing state of things, and that he could not sign the proposed Treaty, and that he protested against any right to visit or capture any vessel under the Portuguese flag, south of the line.

In concluding my report on the long conversations I have had lately with the Viscount de Sá da Bandeira, I think it right to state, that I look upon them as entirely without any practical result, as I consider his Excellency to be controlled by some overwhelming influence.

No. 43.

Lord Howard de Walden to Viscount Palmerston.—(*Received March* 7.)

(Extract.) *Lisbon, February* 28, 1839.

I ENCLOSE herewith two numbers of the "*Nacional*" newspaper, which contain articles relative to the Slave Trade.

I add the "*Correio*" newspaper of the 26th instant, in which the article appeared which gave rise to the answer of the "*Nacional.*"

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First Enclosure in No. 43.

From "O Nacional," *Lisbon.*

(Translation.) *27th February*, 1839.

MUCH has been written on the state of our Colonies, and on the necessity of abolishing the Slave Trade; even in yesterday's "*Director*" a surprise is expressed that the Viscount de Sá da Bandeira refuses signing a Treaty to this effect with Great Britain. The document of which we are about to speak, namely, the sitting of the Council of high functionaries of Angola, 12th September, 1837, will, it appears to us, not a little contribute to throw light on this question.

The Governor-General of Angola informed the Council that, on the 10th December, 1836, there had been promulgated in Lisbon a decree, for the abolition of the Slave Trade in the dominions of Africa; but, as in conformity with Article 16 of the Law of the 7th of the same month and year, he must lay before the Council for examination the new enactments, and put in practice only such part of them as could be carried into effect, and was suited to the circumstances of the country, he submitted to the examination of the Members present the decree respecting the abolition of slavery, that they might deliberate on the possibility of carrying it into execution.

The Council, after mature examination, was of opinion that, though it considered the execution of the law possible, to a certain extent, in the districts of the ports of Loanda and Benguela, as far as the cannon of the fortresses could reach, it nevertheless thought, that the majority of its provisions tended utterly to annihilate the only means of the country, while they did not remedy the evil which it was intended to obviate, nor offered any other thing by way of substitute, in place of the prodigious vacuum they left in the present state of the prosperity of the province. That though the lawful Slave Trade in the ports of Loanda and Benguela was till then not prohibited *de jure*, still, however, it was forbid *de facto* from 1830, inasmuch as the Governors, ever since that year, gave no passports to slave ships, nor licences at the Custom-houses for the exportation of slaves. In spite, however, of these efforts, it was notorious that negroes were clandestinely shipped at many points of the coast over which it neither was nor is possible to watch, as vessels used to sail in ballast, or with a small cargo of colonial produce, and with passports for Portuguese ports, they proceeding to procure slaves at the ports of Ambriz, Cabinda, and Rio Zaire, independent, *de facto*, from the Portuguese dominion, an irrefragable proof whereof was the great quantity of merchandise placed every month into the warehouses of the Custom-house, of which scarcely the twentieth part found consumers, or could be exchanged for the small portion of bees'-wax, ivory, gum-copal, and oil that is exported, and the duties on which would ill-suffice for maintaining a detachment of a hundred men.

Seeing that the coasts of the colony are so extensive, and more especially that the settlements and factories have recently been established one after the other in the said northern ports, there were no means to extinguish the odious traffic, and the only provisions of the decree that could be adopted would have no other result than that of driving away the ships from these ports of Loanda and Benguela, which had become so inhospitable to the vessels arriving at them. The Council declares, that it entertains a profound respect for the august hand that signed the decree, and the humane principles on which it was founded; but it must state, that the proposed repressive measures would serve to chase, by cannon-shot from the fortresses, all the vessels approaching them, inasmuch as if a system of repression was introduced, the cupidity of many would render it yet more insupportable by creating fresh embarrassments, and imparting consequence to the least circumstances, so that no ship would escape falling under one or the other qualification of the decree, and the immediate effect of it would be the emigration of commercial houses, and of the most wealthy settlers, part of whom had already removed to Brazil in 1830, without ever returning, and, consequently, the total decline and disappearance of the remaining resources, and which yet may be rendered available with a good result towards the extinctions of this traffic, such as the improvement of agriculture, the creation of arts, and civilization. The council cannot persuade itself that Her Majesty should desire the *immediate* ruin of the Colony, with a view to its eventual and future prosperity, towards which not a single step has as yet been taken Hence the Council, though aware that the laws must be carried into effect, whether attended with good or bad consequences, nevertheless ventures to

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propose the temporary suspension of that part of the decree which is most detrimental, not only to the vital interests of Angola, but also to the total extinction of the traffic among the people of independent fortunes. It would not be just to prohibit it entirely, without offering to the merchants of Loanda, and to the settlers up the country, an indemnity for the large capitals, which many state at upwards of four hundred contos, laid out in the interior on the purchase of slaves,—speculations which frequently take from eighteen months to two years before a return is realised, since the traders often proceed as far as Mozambique. That the ill effects of the traffic in this country were not so great as it was attempted to represent, and that the commerce of importation at Angola, the only one permitted, trenches neither on the interests of Portugal, by diminishing the population of the Colony, nor even perhaps on those of humanity, about which so much is said; not on those of Portugal, because the slaves are not yet in the Portuguese jurisdiction; and not on those of humanity, because the major part of the negroes, exchanged by the settlers for merchandize, are prisoners who heretofore were sacrificed, or criminals condemned to death, and who are now ransomed; so that the traffic has softened the customs of those tribes, and lessened the monstrous barbarity of their penal system.

The good effects of the Decree, springing from the real principles of philanthropy, and from the true interests of Colonies, are understood everywhere, but its inconveniences are known only in Africa. It was therefore resolved to propose to Her Majesty to decree on this subject, in accordance with the Cortes, that it should be lawful, while the refusal of licences and passports for slaves was continued to slave vessels, not to subject them to be searched, or to the embarrassments which, along with the prohibited traffic, it would be desirable to avoid, lest they should destroy the small remnant of permitted commerce still subsisting, since it would be advisable to imitate the English Government, which levying war with might and main against the slave trade, suffers, nevertheless, the exportation of commodities, which it well knows to be employed solely in this traffic. The council concludes by soliciting from Her Majesty those measures, to which the Decree in question is said to be preliminary, and in the second place the eager promotion, by employing the means now in existence, of the increase of European population, of agriculture, of the arts, and of civilization, this being the only powerful method for destroying this hydra.

The "*Nacional*" would be glad if the "*Director*," and its other contemporaries, took this subject in hand, and after weighing the reasons set forth by the principal functionaries of Angola, declare whether, with the praiseworthy design of abolishing the Slave Trade, we are competent to deprive Portugal of such vast and important possessions, in virtue of absurd measures, diametrically opposed to the interests of all the Portuguese residing in them. They will then find whether the noble Viscount Sá da Bandeira had, or had not, cogent motives for refusing to accede to proposals ruinous to our dominions beyond sea, and whether there is any sincerity in the philanthropy of those who, after erecting themselves into protectors of the negroes, allow the people of Luxembourg and Limbourg, bound to Belgium by the two-fold ties of religion and interest, to be awarded, against their will, like a flock of sheep, to the King of Holland, and that in Russia and Poland, Europeans drag on a painful existence in fetters and shackles, suffering the most abject and most degrading slavery.

Second Enclosure in No. 43.

From the "*Nacional.*"

(Translation.) *Lisbon, February 27th*, 1839.

The President of the Council of Ministers, in the sitting of the 13th instant, spoke on the question of the Slave Trade, clearly showing that the Portuguese Government has at all times evinced itself solicitous for the abolition of the Slave Trade, the obstacles in the way of it having solely proceeded from the British Government.

In January, 1815, two Treaties were concluded at Vienna; the first, on the 21st, by which the British Government bound itself to pay 300,000*l.* by way of indemnity for Portuguese ships, wrongfully captured with slaves on board, by the men of war of Her Britannic Majesty. In Article 1 of this Treaty, Portugal

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abolished the Slave Trade to the north of the equator. By Article 3 was annulled the Treaty of Alliance of 1810. By the 4th the contracting parties reserved to, and bound, themselves to fix, by a separate Treaty, the period at which the Slave Trade was to cease totally in all the Portuguese dominions. By the 5th, the Government of Her Britannic Majesty desisted from demanding the instalments yet remaining due towards the completion of the payment of the loan of 600,000*l.*, contracted by Portugal, in London, the 21st April, 1809.

The noble Viscount then observed, that the Portuguese Plenipotentiaries at the Congress did all in their power for the benefit of their country; but that on examining their correspondence, he had discovered the difficulties which they had to combat, one of the principal being the endeavour for obtaining the abrogation of the Treaty of 1810. They proposed, that if England gave up the Commercial Treaty of 1810, Portugal would engage entirely to abolish the Slave Trade in the space of 8 years; to which Lord Castlereagh replied, that he was not authorised to treat on this basis.

The English thereupon manifested their philanthropic intention of giving up their scandalous monopoly in Portugal, and not caring about the prosperity of the negroes, upheld the interests of their manufactures. At this moment they once more return to the question, because Portugal, emancipated in its industry by the termination of that ignominious convention, begins to make considerable progress in the improvement and increase of its products. Not being able to prevent this great benefit, or to revive those measures which proved so ruinous to our country, they are obstinately bent on promoting the alienation of all our important African colonies, laying before us conditions to which no country can ever submit, whose Government values the most sacred of its duties.

The suppression of the Slave Trade cannot be carried into execution, so long as the Government is unprovided with the necessary resources for promoting the civilization and the reform of the customs, of those who inhabit the interior of Africa. Hitherto the consequences of the law of the 10th December, 1836, have been disastrous only for Angola, and entirely favourable to the barbarous ports of Ambriz, Cabinda, and Zaire, whither the American ships resort with impunity to traffic in slaves, who otherwise would be assassinated by the tribes that take them prisoners. The merchants of Angola are on the point of emigrating from a country where they cannot invest their capital, and though it may be imagined that this circumstance does not affect the spirit of the colonists, no doubt whatever can be entertained that discontent makes its way, not only among the white Portuguese, but also among the blacks, and the manumitted negroes of whom the garrison is in a great measure composed.

For a length of time attempts have been made to draw attention to the advantages derivable from coffee, bees-wax, ivory, and gum-copal, but from the natural indolence of the natives, it has not hitherto been possible to prevail on them, either by promises or threats, to attend to those resources. The produce of Angola is therefore limited by the disposition of the inhabitants, and we ought to try if it be not practicable to send thither active and persevering persons. It behoves us to make the emigrants of the kingdom and the Islands bend their course to Africa instead of Brazil, to prevent as much as it is possible, by legal means, emigration out of the Portuguese dominions, and to afford every encouragement to agriculture, the working of mines, and the commerce of our African provinces. But how are the lower classes of the kingdom and the Islands to be induced to pass to the insalubrious climate of Africa, when they find that the Portuguese Government sends there a conto of reis, and a vessel loaded with files, for the construction of a city beyond sea! What confidence can they place in those who give proofs of so great a penury, in those who are not solicitous to collect materials prior to commencing an edifice, and in him who boasts of his determination to kill the hydra without having the club of Hercules in his hand! Emigration will never take place so long as the Government does not afford efficacious protection to the colonists,—money, and plenty of it, provisions, implements, and a conviction of the flourishing state of the country which they are about to inhabit.

The "*Correio*," alluding to this subject, says, "We are informed that the negociations set on foot between Viscount Sá da Bandeira and the Minister of Her Britannic Majesty to this Court, for the total abolition of the Slave Trade, and the prevention of its continuance, by Portuguese subjects, under the Portuguese flag, are entirely interrupted and at an end.

"We are ignorant" continues our contemporary, "what reasons the Viscount

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may have for not signing the Treaty, but we hope that they are powerful enough to justify him in the opinion of the nation, whose majority is, for the good of humanity, unwilling that the Slave Trade should continue under our flag."

We are equally uninformed as to the reasons in this particular, but have grounds for believing, that the Viscount's refusal proceeded solely from demands degrading to the national honour, and extremely fatal to the interests of the country. If so, we can only eulogize the Minister for the real service he has rendered to his country, and especially to our Colonies, by not bending the neck to insolent proposals. Let His Excellency not be afraid to prosecute the career he has begun, the whole country is unanimous in repelling, with indignation, any measures tending to increase the difficulties which surround us; and the result of his constancy, his noble bearing, and national spirit, will be the triumph of the course of reason, because, fortunately, Portugal is not a British Factory, which must admit and accede to whatever the Cabinet of St. James' dictates.

"The terrible contraband which takes place in regard to this article, does not admit, in exchange, the great value of the commodities, which entered the African ports when this traffic was allowed, whence it follows, that the loss of duties for want of those importations is unfounded, slaves are purchased with dollars, which remain in the hands of speculators, while the State receives only the infamy of permitting such a barbarous commerce, which is carried on or protected by (what horror!) even the retainers of the Government."

The commodities employed in the Slave Trade go in a great measure not to Angola, but to Ambriz, Cabinda, and other ports not under the sway of Portugal. Still, however, this abundance in the ports north of Angola redounds to the benefit of the State, inasmuch as the negroes resort to the capital of our establishment, to barter many objects which they receive in exchange for slaves, namely, such as are of greater value in the country, gunpowder, arms, &c. Whoever asserted that the traffic in negroes is conducted with hard cash alone, has no knowledge of the circumstances of the Africans, otherwise he would not advance such an absurdity. The original dealers in slaves are the blacks who take them prisoners in their mutual wars, and would infallibly put them to death, if this commerce afforded no inducement for sparing them. Now dollars have no value in the eyes of blacks; they only ask for brandy, cotton goods, glass beads, mirrors, knives, arms, and many sorts of hardware, with which they are already familiarized. The articles are in spite of the prohibition of the Decree of the 10th December, relative to slavery, furnished in part by our colonies, and it is this supply which maintains from five to six thousand inhabitants at Angola, as well as the garrisons of the fortresses. Let, therefore, our contemporary refrain from alleging, that neither the state nor the inhabitants of our African possessions derive any benefit from the traffic; they not only benefit by this commerce, carried on beyond our jurisdiction, but, if it were possible that it could cease entirely, the immediate result would be, either the ruin of our settlements by an invasion from the interior, as has already been experienced in the district of Mozambique, or the union with Brazil.

Nothing can be more just than to punish the authorities that are wanting to their duty, violating the law, and rendering themselves unworthy the confidence of their sovereign; but to punish them at the instance of foreigners, and without making public the motives which Government had for adopting such a measure, is as reprehensible as to tolerate the crime. No citizen ought to be denied a hearing because he is a Governor; every one has a right to be heard, and a man must not suffer in his reputation merely to please a diplomatist.

Our contemporary will take notice, that we do not utter a syllable in favour of the Slave Trade, and that we confine ourselves merely to the advocacy of the national honour, lest in our Treaties the dignity of the Crown and the interests of the people should be sacrificed. The opposition which is manifested is not against the extinction of the Slave Trade, it is against humiliating and unheard-of demands, against requisitions amounting to the loss of Territories, which have cost Portugal so much capital and so many victims, and which we are in no-wise disposed to sacrifice solely to the pleasure of complying with the wishes of our generous Allies. Let the Noble Viscount abide by the resolution he has taken, he will be seconded by the sympathies of all Portuguese, and by the aid of those who have none.

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Third Enclosure in No. 43.

From the "*Correio de Lisboa*," 26th February, 1839.

WE are informed that the negotiations between His Excellency Viscount de Sá da Bandeira and the Minister of Her Britannic Majesty, &c.,

(This whole passage is recited in the "*Nacional*," extract No. 2.)

(The paragraphs not inserted there are the following.)

"It is very true that in such stipulations great attention ought to be paid to the actual state of our colonies, but we are of opinion that the greatest detriment which they experience arises from the Slave Trade, the terrible contraband, &c.

(See extract No. 2.)

We do not yield to any one in our zeal for the honour of the nation; we desire that in our contracts not the least particle may be lost of the dignity of the Crown, and of the interests of the people, but when we come to consider the singular resistance offered to the cessation of the Slave Trade, which has been abolished by all civilized Governments, we cannot refrain from manifesting a lively desire, that the grounds of this resistence may be stated.

We recollect what was said last year by an English Minister in the House of Commons, and we therefore deem it so much the more necessary that an exposition should be put forth, of the motives which have prevented the conclusion of the Treaty.

No. 44.

Viscount Palmerston to Lord Howard de Walden.

MY LORD, *Foreign Office, March 9th*, 1839.

YOUR Lordship's Despatches upon Slave Trade have been received up to that of the 23rd of February, 1839.

Her Majesty's Government entirely approve the language which, in your Despatch of the 13th of February, 1839, your Lordship reports yourself to have held, in your conversation of the 16th of that month with the Viscount de Sá da Bandeira, upon the subject of the Treaty engagements between Great Britain and Portugal on the Slave Trade. I am, &c.

(Signed) PALMERSTON.

To Lord Howard de Walden,
&c. &c. &c.

No. 45.

Lord Howard de Walden to Viscount Palmerston.—(*Received March* 12.)

MY LORD, *Lisbon, March 3rd*, 1839.

I HAVE the honour herewith to transmit a copy of the answer, which I last night received from the Viscount de Sá da Bandeira, to my notes of the 11th and 14th of last month, relative to the Portuguese crew of the slaver "*Diligente*," and in which His Excellency signifies to me, 1st., the decision of the Portuguese Government not to proceed against these men (parties in the Slave Trade); 2nd, protests against the infraction of Treaties, and the insult offered to the Portuguese flag by a British cruizer, in the capture of the "*Diligente*" (slaver;) 3rd, claims indemnity and satisfaction (for interfering with the Slave Trade enterprise of this vessel); and 4th, calls on me to give full liberty to these men (notwithstanding the gross violation by them of Portuguese Law, and the engagement of the Crown of Portugal towards Great Britain).

I enclose copies of two notes, which I have this day addressed on this matter to the Viscount de Sá da Bandeira, the first being in reply to his note, and the second announcing to His Excellency that, on his demand, the men of the slaver "*Diligente*" had been duly made over by Her Majesty's Vice Consul to the Aju-

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dante da Praça of the arsenal, by whom an acknowledgment of their having been delivered up was duly executed.

I transmitted to His Excellency at the same time, the depositions of the witnesses against these slave traders; it rests now with the Portuguese authorities, to take cognizance of the criminality of these men, as it may seem to please their Government or not. I add the reports of Rear Admiral Sir John Ommanney, and of Mr. Vice Consul Meagher, communicating to me the transfer of the sailors of the slaver "*Diligente*," from Her Majesty's ship "Donegal to the arsenal.

I have, &c.

(Signed) HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 45.

Viscount de Sá da Bandeira to Lord Howard de Walden.

THE Undersigned, President of the Council, &c. has had the honour to receive the two notes, dated the 11th and 14th of last month, which were addressed to him by Lord Howard de Walden, &c.

In the former of these notes His Lordship informed him, that nine sailors, belonging to the crew of the Portuguese brigantine "*Diligente*," captured, with 302 slaves on board, by the British corvette "Electra," had been sent to Lisbon by the British Government, to be delivered over to the Government of Her Majesty, in order that they might be tried by the Portuguese tribunals, in conformity with the laws of Portugal, which prohibit the Slave Trade, and visited with the penalties due to those engaged in the said infamous traffic; His Lordship adding, that he awaited notice from the Undersigned in order to verify the delivery of these men to the Government of Her Majesty for that purpose. The other note enclosed an extract from the log of Her Britannic Majesty's ship "Electra," by which it appears that the said brigantine "*Diligente*" had been captured by her, on the 1st of December of last year, in lat. 16° 40′ south of the Line.

The Government of Her Majesty having taken into consideration the contents of the said notes, the Undersigned has received orders from Her Majesty to reply to his Lordship, that she can never recognize the slightest right for British cruizers to detain, and much less to capture, to the south of the equator, any Portuguese vessel, however illicit the traffic in slaves in which she may be employed may be considered. The 4th paragraph of instructions, annexed to the additional Convention of July 28th, 1817, expressly prohibits them so to do, *under any pretext whatever*, with the sole exception of the chase having commenced to the north of the equator; which did not occur in the case of the vessel in question, which was seen and captured much to the south of the Line. By the 5th article of the same Convention, the cruizers are obliged to *adhere strictly to the exact tenor* of these instructions; and, by the 7th article, no alterations can be made therein by the British Government, unless by common accord with that of Her Majesty, which as yet has not taken place.

The circumstance of the said traffic being prohibited in all the Portuguese dominions by the Decree of the 10th of December, 1836, confers no authority whatever on the British cruizers to capture Portuguese vessels to the south of the equator, because it is in the very same hypothesis of the existence of the said prohibition that, by the separate article of the Convention of July 28th, 1817, it was stipulated that the said Convention should be continued for 15 years longer, in the event of not coming to some other arrangement, which agreement has not been realized.

By the very fact of the Government of Great Britain having pressed the Portuguese Government to conclude a new Treaty, in order to enable their cruizers to capture Portuguese vessels to the south of the Line, which might be found engaged in the said traffic, they have recognized, in the most solemn manner, the necessity which exists of Her Majesty's consent being expressed in a new Treaty, in order to effect such captures; and the cruizers who make them without that consent commit a manifest violation of the said additional Convention, and an insult to the Portuguese flag, which the British Government cannot fail to punish when those aggressors belong to their navy.

The Undersigned adds, also, that the Government of Her Majesty could not even

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punish the above-mentioned prisoners, because, at the time of the capture of the said brigantine, the execution of the Decree of December 10th, 1836, being still suspended in the Province of Angola, no penalty could be imposed on the said prisoners.

According to the orders of Her Majesty above mentioned, the Undersigned requests from his Lordship that the prisoners should be immediately set at liberty, and protests against the insult offered by the British cruizers to the flag of Portugal, in the illegal capture of the brigantine "*Diligente*," demanding satisfaction for the same, and also her delivery up to her owner, with full indemnity of the losses and damages suffered.

The undersigned, &c,
(Signed) SA' DA BANDEIRA.

Foreign Department, March 2nd, 1839.

Lord Howard de Walden,
&c. &c. &c.

Second Enclosure in No. 45.

Lord Howard de Walden to Viscount de Sá da Bandeira.

THE Undersigned, &c., has had the honour, this night, to receive from the Viscount de Sá da Bandeira, &c., a note in answer to the commnnication he made to His Excellency, three weeks ago, relative to certain Portuguese subjects, captured on board a slave vessel by one of Her Majesty's cruizers, and who had been sent to Lisbon to be delivered over to the Portuguese Government, to be tried under the law said to prohibit the disgraceful traffic in human flesh, so notoriously carried on under the Portuguese flag, in direct violation of the engagements of Treaty between the Crown of Portugal and Great Britain.

The Undersigned, though in some degree prepared, by the previous tone of His Excellency, for the decision of the Government of Her Most Faithful Majesty, to receive a protest against the interference of a British cruizer with any slave enterprise, carried on under the Portuguese flag south of the Line, instead of an offer of co-operation for the purpose of bringing those offenders engaged in the traffic in slaves to punishment, did not anticipate the extraordinary communication he has received from His Excellency, being that of the entire absolution of these men, taken *flagrante delicto*, on the alleged ground of the decree of the 10th December, 1836, though published by His Excellency in Lisbon, not having been made law in Angola.

It could hardly be necessary, when the Treaties were before the Viscount de Sá da Bandeira, from which His Excellency quotes, for the purpose, it would seem, of interpreting the humane interference on the part of Her Majesty's cruizer against the slaver in question, as more criminal than the conduct of those engaged under the Portuguese flag in the traffic of slaves, to point out to His Excellency, that, even if the remarkable announcement made to him now for the first time by His Excellency, in regard to the nullity of the Decree of the 10th December, 1836, in Angola, could be recognised previous to any reference to a tribunal before which all the evidence connected with this Slave Trade enterprise could have been duly investigated, as a reason for disabling Her Most Faithful Majesty's Government from proceeding against the men in question, there is, at all events, an Alvará, specially pointed out by the Convention of 1817, under which the general illegality of the Slave Trade voyage of the "*Diligente*" cannot be questioned, and according to which Portuguese subjects carrying on illicit Slave Trade are to be punished.

The instructions, however, received by the Undersigned from Her Majesty's Government in sending out these slave traders to Lisbon, being to deliver them up to the Portuguese Authorities, he must remark that, if they remained three weeks on board a British man-of-war in the Tagus, it has been solely in consequence of His Excellency neither having claimed them, or consented to receive them.

The Undersigned begs to remind His Excellency further, with reference to the unexpected and protracted detention of these men on board Her Majesty's ship "Donegal," that, in consequence of their being Portuguese subjects, the

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Undersigned had, long previous to their arrival, prepared His Excellency to receive them.

The Undersigned has only further to add, in expressing his regret at the resolution adopted by the Government of Her Most Faithful Majesty, that he shall communicate his wish to Rear Admiral Sir J. Ommanney, that the men in question may be landed to-morrow, and their names signified to the proper functionary at the place of their disembarkation;

And he avails, &c.

(Signed) HOWARD DE WALDEN.

March 3rd, 1839.

Viscount de Sá da Bandeira,
&c. &c. &c.

Third Enclosure in No. 45.

Lord Howard de Walden to Viscount de Sá da Bandeira.

THE Undersigned, &c. has the honour to communicate to the Viscount de Sá da Bandeira, &c. for His Excellency's information, that the Portuguese part of the crew of the slaver "*Diligente*," who were sent out to Lisbon under orders from Her Majesty's Government to be delivered over to the Portuguese authorities, have, in compliance with His Excellency's desire, been this day landed at the arsenal, and made over by Her Majesty's Vice-Consul to the Adjutante da Praça, before whom the men were mustered, and a receipt passed, acknowledging their having been duly delivered over to him.

The Undersigned has now the honour to transmit to the Viscount de Sá da Bandeira the sworn depositions of witnesses against the men in question, proving them to have been captured while engaged in illicit Slave Trade, in infraction of the laws of Portugal.

The Undersigned having thus fulfilled the instructions he has received from Her Majesty's Government, it is now by His Excellency and the Government of Her Most Faithful Majesty that any further proceedings in regard to these Slave-traders must be directed, as matter involving the obligations of treaties and the administration of the laws of Portugal.

The undersigned, &c.

(Signed) HOWARD DE WALDEN.

Lisbon, 3rd March, 1839.

Viscount de Sá da Bandeira,
&c. &c. &c.

Fourth Enclosure in No. 45.

Rear-Admiral Sir J. Ommanney to Lord Howard de Walden.

MY LORD, *H.M.S. "Donegal," the Tagus, 4th March*, 1839.

I HAVE the honour of informing your Lordship, that immediately on my return to the "Donegal" yesterday, I sent the ten Portuguese sailors, captured in the "*Diligente*," to be landed at the arsenal, according to the arrangement which your Lordship had made.

I enclose a copy of the list sent with the men, and a copy of the receipt which was given to the officer of Her Majesty's ship "Donegal," by the Lieutenant and Adjutant of the arsenal, who took charge of them.

I have, &c.

(Signed) JOHN OMMANNEY, *Rear-Admiral.*

Lord Howard de Walden,
&c. &c. &c.

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Fifth Enclosure in No. 45.

List of ten Portuguese who were captured on board the "Diligente" *Slave Vessel, under Portuguese Colours, with* 302 *Slaves on board, on the Coast of Brazil, on the* 1*st December,* 1838, *by Her Britannic Majesty's Ship "Electra."*

THE within-named men having been sent out to the Admiral commanding Her Britannic Majesty's ships in the Tagus, to be delivered up to the Portuguese authorities—

(Here follow the names of the ten sailors.)

(Signed) J. A. OMMANNEY.

Dated on board the "Donegal," 3rd March, 1839.

Sixth Enclosure in No. 45.

(Receipt.)

O ILLMO. SR. Viz-Consul Inglez, e juntamente com hum official de Marinha de Sua Magestade Britannica, fizerao entrega neste Arsenal de Marinha os dez Marinheiros Portuguezes, remetidos de bordo da Nao Almirante, a saber.

Joze Martino, Carlos A. Ferreira, Manoel Martins, Pedro Antonio, Francisco Joze, Francisco da Silva, Joao St. Jago, Joze Francisco, Joze Sperao, e Manoel de Carvalho, e para constar passei o prezente que acino.

(Signed) JOAO VERISSIMO MAXIMO DA CRUZ,
Segundo Teniente Adjudande.

Arsenal de Marinha, 3 de Março de 1839.

(Examined.) J. A. Oy.

Seventh Enclosure in No. 45.

Mr. Consul Meagher to Lord Howard de Walden.

MY LORD, *Lisbon, March 3rd,* 1839.

AGREEABLY to the instructions I received from your Lordship this morning, I beg leave to state, that I proceeded on board Her Majesty's ship "Donegal," and from thence to the Portuguese Royal Arsenal, in the boat sent there by Rear-Admiral Sir John Ommanney, with ten Portuguese seamen, part of the crew of the Portuguese slave-vessel "*Diligente,*" where, having spoken with the Adjutant, the said individuals were delivered over to him, and who has passed a receipt for their due delivery, by names as per margin ;* which receipt I gave to Lieutenant Cannon, the officer in charge, for the purpose of being delivered to the Admiral.

I have, &c.

(Signed) JEREMIAH MEAGHER.

The Right Hon. Lord Howard de Walden,
&c. &c. &c.

No. 46.

Lord Howard de Walden to Viscount Palmerston.—(*Received March* 17.)

MY LORD, *Lisbon, March 11th,* 1839.

HAVING in my notes of the 2nd and 3rd instant, to the Viscount de Sá da Bandeira, confined myself principally to the crew of the "*Diligente,*" I have

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* JOSE MARTINS.
CARLOS A. FERREIRA.
MANOEL MARTINAS.
PEDRO ANTONIO.
FRANCISCO JOSE.
FRANCISCO DA SILVA.
JOAO ST. JAGO.
JOZE FRANCISCO.
JOZE SPERAO.
MANOEL CARVALHO.

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thought it expedient to notice that part of His Excellency's note, in which he demands "satisfaction for the insult offered by the British cruizers to the Portuguese flag, in the illegal capture of the brigantine '*Diligente*,' and the surrender of that vessel to her owner, with full indemnity for all loss and damage incurred."

I have the honour to enclose a copy of the note, which I have addressed to the Viscount de Sá da Bandeira, with reference to the above pretensions.

I have, &c.

(Signed) HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 46.

Lord Howard de Walden to Viscount de Sà da Bandeira.

THE Undersigned, &c. in transmitting to his Government the note, which he received on the 2nd instant from the Viscount de Sá da Bandeira, &c., relative to the crew of the slaver "*Diligente*," has found himself totally incompetent to render in his report an explanation of the precise grounds on which His Excellency had demanded, in the name of Her Most Faithful Majesty, satisfaction for an insult stated to have been offered by certain cruizers of Her Britannic Majesty, to the Portuguese flag borne by this slaver, and has claimed the surrender of this vessel to its owner, with full indemnity for all losses and damages which have been incurred by her detention.

The Undersigned, not being aware that the case of this vessel has as yet been decided by the Mixed Commission at Sierra Leone, whither she had been duly sent for adjudication; and as Her Majesty's Government consequently may be ignorant of the features of the case, which have given rise to so peremptory a tone on the part of the Portuguese Government, has the honour to request, in elucidation of this affair, information on the following points:—

1st. Whether the "*Diligente*" has been recognised as a Portuguese-built vessel?

2nd. Whether the "*Diligente*" is owned by a Portuguese subject?

3rd. Whether the "*Diligente*" is considered by the Portuguese Government as having been navigating, when captured, in strict conformity to Portuguese navigation laws?

4th. Whether the "*Diligente*" is looked upon, under interpretation of the engagement of treaties towards Great Britain, confirmed by laws, as having been engaged in legal traffic?

5th. Whether the value or estimated profit on the 302 slaves on board the "*Diligente*," liberated by Her Majesty's cruizer "Electra," are to constitute the basis of the indemnity and compensation demanded, in the name of Her Most Faithful Majesty, of the Government of Great Britain?

The Undersigned can assure the Viscount de Sá da Bandeira, that any representation made on the part of Her Most Faithful Majesty, will at all times meet with the utmost attention from the British Government; and that, in regard to the present case, any wanton disregard on the part of any officer in Her Majesty's service, in observance of the respect due to the Portuguese flag, (if the vessel bearing it should really be entitled to any,) will be most severely visited upon the offenders.

The Undersigned must, however, be allowed to remind His Excellency, that it is not upon the mere allegations or the bare demand of any one party, that either a case of insult towards the national flag of a country can be considered as made good, or that a claim for indemnity for loss can in any way be admitted, in the treating on such matter between two Governments.

It is therefore upon these grounds, with the utmost desire to bring the *real* offenders in the case of the slaver "*Diligente*" to justice, and make them suffer the penalty due to their crimes or delinquencies, that the Undersigned has the honour to address himself to the Viscount de Sá da Bandeira, to obtain such further light on this case as he has above specified.

All the papers found on board the "*Diligente*" having been sealed up, (as the undersigned has been informed by the Captor,) and forwarded as evidence against her to Sierra Leone, where the case will be duly investigated and decided, the British Government are in possession of no other authentic particulars, beyond those already made known to the Portuguese Government by the Undersigned, viz. the fact

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of her having had 302 slaves on board, being partly navigated by Portuguese, and having, after wearing Montevidean colours during the chase, hoisted a Portuguese flag (adopted habitually as the ægis of the Slave-trader) at the moment of capture.

The Undersigned avails, &c.

Lisbon, March 6, 1839. (Signed) HOWARD DE WALDEN.

His Excellency the Viscount de Sà da Bandeira,
&c. &c. &c.

No. 47.

Lord Howard de Walden to Viscount Palmerston.—(*Received March* 17.)

(Extract.) *Lisbon, March 11th,* 1839.

WITH reference to my Despatch, "Slave Trade," of the 3rd instant, in which I reported to your Lordship the transfer of the seamen of the slaver "*Diligente*," from Her Majesty's ship "Donegal," to the Arsenal, I have the honour to acquaint you, that the men in question have not yet been released.

I have been unable to obtain an explanation of the contradictory conduct on the part of the Viscount de Sá da Bandeira, in demanding that these men should "immediately be placed at liberty," after stating that they could not be looked upon as criminal by the Portuguese Government, for the reason he gave in his note, and yet allowing them, after having been given up to a Portuguese authority, to remain prisoners in the Arsenal.

Had the men been placed at liberty by my directions, on the Viscount de Sá da Bandeira's demand, no further notice would have been taken of them; but it would appear that these men having been taken charge of by a Portuguese functionary, that officer has required an authorization for their release, which it has not been so easy to obtain at once, from those who fear responsibility in disregarding the law, in a case which has attracted such attention as that of the capture of the Slaver "*Diligente*," and the disposal of the Portuguese portion of her crew.

No. 48.

Lord Howard de Walden to Mr. Strangways.—(*Received March* 18.)

(Extract.) *Lisbon, March 11th,* 1839.

WITH reference to your Despatch, marked "Separate," of the 20th of December last, I have the honour herewith to transmit the two decrees required by Viscount Palmerston, relative to the Slave Trade.

First Enclosure in No. 48.

(Translation.)

Alvara for preventing the conveyance of Negroes to Sea-port Towns of such Territories as are not in the Portuguese Dominions. Dated 14th October, 1751.

I, THE KING, make known to those to whom this alvara, having the form of a law, shall come, That it having been represented to me, in a report from my Council beyond sea, how great an irregularity is occasioned, by negroes being exported from Brazil, and conveyed to dominions not belonging to me, whereof results a notorious prejudice to the public welfare, and to my royal revenue, and that it is necessary to devise a proper remedy, I deem it right to ordain, in general, that no blacks shall be conveyed to sea-port towns of such territories, as are not in my royal dominions; and, if the contrary be ascertained, that the triple value of each slave shall be forfeited, half of it to go to the informer, and the other half to the royal revenue; and that the persons guilty of contraband shall be banished for ten years to Angola. It being likewise ordered that no clearance shall be given for

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the Colonia do Sacramento, or other localities in the vicinity of the Portuguese frontier, without entering, in a separate book (to be kept at the Provedorias), the name and marks of the slave; and a pass shall be transmitted to the Provedoria, or the ordinary Court of Justice of the place to which the clearance is given, which pass such authority shall be obliged to return within a year; and all the Justices of those places on the frontier shall be obliged to send every year to the Provedorias of the city of Bahia, and of Rio de Janeiro, a list of all the slaves that had arrived, and of all those who abide there, specifying such as died, or were absent for some justifiable reason, or from having proceeded to territories of my conquests.

Wherefore, I command my Viceroy and Captain-General by sea and land of the State of Brazil, and all the Governors, Superior Captains of that State, and the Provedors of the royal revenue in the same, to cause this my alvara to be published, which shall be registered in the Courts of Justice in Brazil, and in all the Provedorias of the royal revenue, and in such other parts as may be proper, that it may be known what I ordain in this alvara; and that it may be fulfilled and observed completely, as set forth in it without any hesitation, which alvara shall have the effect of a "carta," although it is to be in force for upwards of a year, notwithstanding the Ordinance of Book II., Tit. 40, to the contrary; and it shall be published and registered in my Supreme Chancery of the kingdom.

(Signed) KING.

(Signed) MARQUESS DE PENALVA.

Lisbon, 14*th October*, 1751.

Second Enclosure in No. 48.

(Translation.)

Alvara of the 19*th September*, 1761.

I, THE KING, make known to those who shall see this alvara, which has the force of law, that, having been informed of the many and the great inconveniences, resulting from the excess and licence with which, contrary to the laws and customs of other civilised Courts, annually is conveyed from Africa, America, and Asia, to these kingdoms, so extraordinary a number of black slaves, that, while they cause in my dominions beyond sea a sensible want of hands, for the cultivation of the ground and the working of mines, they only resort to this continent to supply the places of menials, who, being of little use, abandon themselves to sloth, and plunge into vice, its natural consequence. And having directed men of learning and piety, and zealous of the service of God, as well as of my own, and of the common welfare, to deliberate with many Ministers of my Council and Tribunal, on the subject of those inconveniences, and of others deserving my royal care; and having adopted their opinions, I decree that, from the day of the publication of this law in the ports of America, Africa, and Asia, and after the expiration of six months, in the first and second ports referred to, and of a twelvemonth in the ports of Asia, it shall not be lawful in any of them to embark or to disembark in these kingdoms of Portugal and of the Algarves any black male or female; ordaining that all those who shall arrive in the said kingdoms after the expiration of the periods above stated, to be calculated from the day of publication of the present, shall, in virtue of this decree, be free and emancipated, without needing any other letter of manumission or emancipation, or any other warrant, beyond the certificates of the Administrations and the Officers of the Custom-houses of the places where they land; which certificates I command to be handed to them forthwith, together with the specifications of the localities whence they shall have sailed, of the vessels in which they arrive, and of the day, month, and year that they are set on shore—the aforesaid Administrators and Officers being entitled to the quadruple of the fees of those certificates, at the expense of the masters of those blacks, or of the persons who shall carry them in their company. But if these certificates be withheld from them for more than eight and forty consecutive hours, to be reckoned from that at which they enter the ships, the officers withholding them shall incur the penalty of suspension during my pleasure; and in this case those who find themselves aggrieved shall apply to the Judges and the Justices of the respective territories having ordinary jurisdiction in them, in order that each of them may

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produce the said certificates, with the same fees, and with the declaration of the doubts or negligences of the above Administrators or Officers of the Custom-houses, to the end that, on the parties complaining of them to the Regidors, Presidents of Courts of Justice of the respective departments and jurisdictions, they may cause immediately this procedure to be carried into effect, and without the formality of a court, and may promulgate in the same manner the penalties above directed. In addition to the latter, I direct that all and every person, of whatever state or condition, who shall sell, buy, or retain under their subjection, and in their service, against their will, as slaves, any black men or women, that may arrive in these kingdoms after the expiration of the said periods, shall be visited with the penalties established by law against those who keep private prisons, and who subject free persons to captivity. But it is not my royal intention that, with regard to the black men and women who are already in these kingdoms, and may arrive in them within the periods referred to, any innovation should take place in consequence of the present law, nor that, under the pretext of it, slaves that now are, or shall hereafter be in my dominions beyond sea, should desert; on the contrary I ordain that all the free black males and females who may come to these kingdoms to live, trade, or serve in them, with the enjoyment of that full liberty which is due to them, shall indispensably bring a pass from the respective Chambers of the places whence they have sailed, so as that these passes shall make appear their sex, age, and person, establishing their identity, and manifesting that they are those very same emancipated and free blacks; and that if any should arrive without those passes so drawn up, they shall be seized, maintained, and sent back to the places whence they came, at the expense of the persons in whose company or vessel they have arrived, or shall have been found.

And this shall be complied with as fully as is set forth in it: Therefore, I command the Tribunal of the Dezembargo of the Court, the Council of my royal revenue, and, beyond sea, the House of *Supplicação*, the Court of Conscience, and orders, the Senate of the Chambers, the Junta of the Commerce of these Kingdoms, and its dominions, the Governors of the Department and Tribunal of Porto, and of the Courts of Judicature, at Bahia, and Rio de Janeiro, the Vice-roys of the States of India and Brazil, the Governors and Captains'-General, and every other Governor of the same states; and also, the ministers, officials, and other individuals of them, and of these realms, to fulfil and guard, and cause entirely to be fulfilled and guarded, this my alvara, notwithstanding any other laws or provisions opposed to its contents, and which I also hold for abrogated, solely to this effect, while, in all other respects, they remain always in their vigour: And I command Doctor Manoel Gomes de Carvalho, of my Council, and Supreme Chancellor of these Kingdoms and Seignories, to cause it to be published and registered in the office of the Supreme Chancellor of the Kingdom: And it shall, in the same manner, be published in my kingdoms and dominions, and in each of the districts of them, that it may come to the cognizance of all, and no one may be able to plead ignorance.

It shall also be registered in all the Courts of Justice of my kingdoms and dominions, and at other points where such laws are usually registered; and this alvara shall also be deposited in the Tower of Tombo.

Given in the Palace of our Lady of Ajuda, the 19th September, 1761.

No. 49.

Viscount Palmerston to Lord Howard de Walden.

My Lord, *Foreign Office, March 22*, 1839.

Your Lordship's Despatches, marked Slave Trade, to that of the 11th inst., have been received.

Her Majesty's Government entirely approve the language which your Lordship held, in your note of the 6th of March, to the Viscount de Sá, in answer to that part of His Excellency's note of the 2nd of the same month, in which he had de-

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manded "satisfaction for the insult offered by the British cruisers, in the illegal capture of the brigantine, '*Diligente*,'" and the surrender of that vessel to her owner, with full indemnity for all loss and damage incurred.

I am, &c.

(Signed) PALMERSTON.

To Lord Howard de Walden,
&c. &c. &c.

No. 50.

Lord Howard de Walden to Viscount Palmerston.—(*Received April* 17.)

(Extract.) *Lisbon, April* 7, 1839.

I HAVE the honour to enclose a copy of a portaria signed by the Viscount de Sá da Bandeira, and published in the Diario do Governo of the 2nd instant, by which the Queen directs judicial proceedings to be instituted against the ex-Governor-General of Angola, Manoel Bernardo Vidal, 1st, for not having carried into execution the decree of the 10th December 1836, prohibiting the Slave Trade. 2ndly, For exacting 800 milreis from each vessel engaged in the Slave Trade (as is reported officially as being notorious) for license to receive a cargo of slaves; and, 3dly, for having taken advantage of his post for illicit profits, and various other abuses of authority.

This step has been taken by the Viscount de Sá da Bandeira, eleven months after the representation which had been made officially to him, in the name of Her Majesty's Government, respecting the notorious conduct of the Governor, Vidal.

The Viscount de Sá da Bandeira also proposed two days ago to the Chargé d'Affaires of His Danish Majesty, to conclude a Treaty between Portugal and Denmark for the suppression of the Slave Trade, similar to that contracted between France and Great Britain.

It is quite unnecessary for me to make any comment on this overture of the Viscount de Sá da Bandeira to the Danish Chargé d'Affaires, while refusing to conclude with France a Treaty, the project of which contains, as I understand, not one stipulation to which the Portuguese Government had been able to object in principle, but, as the price of which, the Viscount de Sá da Bandeira, gratuitously annexes an evidently inadmissible condition, of the cession to Portugal of certain disputed territory on the coast of Africa.

Enclosure in No. 50.

Portaria.

Her Majesty the Queen having been informed, that the late Governor-General of the province of Angola, Manoel Bernardo Vidal, far from giving due fulfilment to the decree of the 10th December, 1836, prohibiting the traffic in slaves in the Portuguese dominions, as he was bound to do by the 25th article of the said decree, pretexting as an excuse, the power, granted by a decree of anterior date, to Governors'-General in Council to suspend the execution of laws hitherto published, in the event of their being found impossible to execute, behaved, on that head, not only with negligence and remissness, but even with connivance; it having been officially affirmed to this department, that it was publicly notorious that, to enable any vessel to take on board a cargo of slaves, it was necessary to pay a certain sum, of which the said ex-Governor received 800 milreis (about 200*l.*), Her Majesty commands, through the Minister of Marine and the Colonies, that the Deputy Attorney-General of the said province, should produce before the Judge of the same, according to the 20th and 22nd articles of the above-mentioned Decree, the necessary accusation against the said ex-Governor-General, having regard to the opinion of the Attorney-General of the Crown herewith transmitted, and making use of the evidence of witnesses, a copy of which is also enclosed, requests that the dispositions of Article 19, and others of the same Decree, may be

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put in vigour towards him. And as, from the representation (also enclosed,) signed by John Antonio de Miranda Vieira, on the 29th October of last year, appears also strong evidence, that the said ex-Governor-General took advantage of his situation to obtain illicit gains, and that he was guilty of various abuses of his authority, the said Deputy Attorney-General will cause the proper proceedings to be instituted against him, according to the alvara of 14th April, 1835.

(Signed) SA' DA BANDEIRA,

Palace of Necessidades, March 16, 1839.

No. 51.

Viscount Palmerston to Lord Howard de Walden.

My Lord, *Foreign Office, April* 20, 1839.

It appears from the accompanying papers, that the vessel, the "*Diligente,*" bearing the flag of Portugal, and furnished with Portuguese papers by the Portuguese Consul-General at Cadiz, was captured by Her Majesty's ship "Brisk," and was condemned on a charge of Slave Trade, in March, 1837, at Sierra Leone. That she was purchased at Sierra Leone by one Miguel Bertinotte, who took her back to Cadiz, and that she was there furnished with a false set of Portuguese papers, by the Portuguese Consul-General, who thus became instrumental a second time to purposes of Slave Trade, in respect of this vessel.

The papers which were furnished to the "*Diligente,*" in the second instance, were antedated eighteen months back: they were prepared in the office of the Consul-General; they are attested by his seal and signature; but all the witnesses examined in the case, including the Captain, the Mate, and the Owner, were compelled to admit the falsehood of those papers.

The fact that a Portuguese functionary has connived at, and has aided a trade, which is prohibited and branded as a crime by the laws of his own country, ought to be held sufficient grounds for inflicting upon him the severe displeasure of his Sovereign. In the present case, Mr. Machado, besides rendering such aid, has assisted in fabricating false papers, in order to further that object: and Her Majesty's Government therefore, desire, that, in laying the facts of this case before the Portuguese Government, you will express the hope of Her Majesty's Government, that the Government of Portugal will not suffer such conduct on the part of a Portuguese functionary to pass unpunished.

I am, &c.

(Signed) PALMERSTON.

To Lord Howard de Walden.
&c. &c. &c.

First Enclosure in No. 51.

Sierra Leone Commissioners, October 20, 1838.

(See Class A., No. 10, p. 11.)

Second Enclosure in No. 51.

Sir John Barrow to Mr. Strangways.

Sir, *Admiralty, 28th January*, 1839.

I am commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, copy of a letter from Lieutenant A. Kellett, commanding Her Majesty's brig "Brisk," to Rear-Admiral the

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Honourable George Elliot, dated the 23rd of October last, respecting the Slave Trade.

I am, &c.
(Signed) J. BARROW.

To the Right Honourable W. F. Strangways.
&c. &c. &c.

Sub-Enclosure in No. 51.

(Extract.) *Lieutenant Kellett to Admiral Eliot.*

Her Majesty's brig "Brisk," *at Sea, October* 23*rd*, 1838.

I HAVE the honour to call your attention to the case of the brig "*Diligente*," condemned in the Spanish Mixed Commission Court, to Her Majesty's brig "Brisk," under my command. This vessel was condemned at Sierra Leone, in December, 1836, as the "*Paquete de Cabo Verde*," sold to a Mr. Lake, and transferred by bill of sale, on the 2nd of January, 1837, to Miguel Bertinote, a Spanish slave-dealer at the Gallinas, for 1000*l*. This notorious character arrived at Sierra Leone for the above purpose, and cleared out under Spanish colours for the Havana, in April, 1837; she then visited several ports in Old Spain, and ultimately arrived at Cadiz, on the 30th September, 1837. It would appear, from the fictitious bill of sale, dated the 2d of January 1837, at Cadiz, that the vessel was sold as the "*Feroz Africano*," to Gabriel Lopez, as attorney to Francisco Cardovo de Mello, of Cape Verd Islands, who is the nominal owner of almost all Spanish vessels, which, since the Treaty with Spain in 1835, have been transferred to the Portuguese flag.

It will appear this vessel, after a sham bill of sale, received a passport from the Portuguese Consul-General at Cadiz, dated the 5th of January, 1837; and her name changed to the "*Diligente*," at the very time the vessel and owner were at Sierra Leone, and then only two days in his possession; it has appeared that the Master and Mate are on the roll, dated the 5th of January, 1837, and the Master's name in the passport of the same date; though, in evidence given before the Court of Mixed Commission, they swear they never saw the vessel until June, 1838.

I beg leave to call your attention to the conduct of the Consul-General of Her Most Faithful Majesty, aiding and assisting in carrying on the Slave Trade, contrary to the solemn Treaty entered into by his Government. This most glaring case of fraud could not have been completed without the assistance, or connivance, of the authorities of Her Catholic Majesty at the port of Cadiz.

No. 52.

Viscount Palmerston to Lord Howard de Walden.

(Extract.) *Foreign Office, April* 20*th*, 1839.

I TRANSMIT herewith to your Lordship an extract of a Despatch from Her Majesty's Chargé d'Affaires at Rio de Janeiro, together with a copy of the Enclosure therein referred to, containing a statement in answer to calumnies published in a Rio de Janeiro newspaper, and republished at Lisbon, against the conduct of Her Majesty's naval officers towards prisoners on board of the slaver the "*Flor de Loanda*."

Enclosure in No. 52.

Mr. Ouseley to Viscount Palmerston, Rio de Janeiro, February 16*th*, 1839.

(See No. 79, p. 130.)

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No. 53.

Viscount Palmerston to Lord Howard de Walden.

My Lord, *Foreign Office, April 20th,* 1839.

I transmit herewith to your Lordship a note, which I have to desire that you will present to the Portuguese Minister for Foreign Affairs, in reply to the note which was addressed to your Lordship, on the 22nd May, 1838, by Viscount de Sá da Bandeira, and which contained observations upon the communication, made by your Lordship to that Minister, respecting the Resolution of the House of Commons of the 10th May, 1838, on the subject of the Slave Trade.

You will find the enclosed note written out ready for delivery. You will have a copy made of it, to be kept in the archives of Her Majesty's Mission in Lisbon; and after signing the enclosed original, with the date filled up, you will transmit it without delay to the Portuguese Minister.

Your Lordship, in acknowledging the receipt of this Despatch, will have the goodness to state the date, which you shall have affixed to the note which is enclosed in it.

I am, &c.

(Signed) PALMERSTON.

Lord Howard de Walden,
&c. &c. &c.

Enclosure in No. 53.

Draft of a Note to be presented by Lord Howard de Walden to the Portuguese Government.

The Undersigned, &c., has been instructed to state to Viscount de Sá da Bandeira, &c., that the British Government had hoped, that its negotiation with Portugal for a new Treaty for the suppression of the Slave Trade would have ended by a result, which would have rendered unnecessary, on the part of the British Government, any detailed reply to the note which M. de Sá da Bandeira addressed to the Undersigned on the 22nd May, 1838. But that expectation having been disappointed, the Undersigned is now instructed to make the following observations in answer to that note.

M. de Sá da Bandeira, in the note in question, adverting, in the first place, to the communication made to him on the 20th May, 1838, by the Undersigned, sets out by stating his intention to demonstrate, "how destitute of the least pretext to justice are the heavy charges, made against the Portuguese Government, that a system of war and piracy against the human race is now pursuing with impunity under its flag."

Her Majesty's Government would have felt sincere pleasure, if the note of M. de Sá da Bandeira had contained any disproof of those charges; because it would have been gratifying to Her Majesty's Government to find, that a Power, which has long been connected by close alliance with Great Britain, had vindicated itself from an accusation of so grave a description; but Her Majesty's Government regret to have to say, that while, on the one hand, those charges are supported by ascertained facts, M. de Sá's note, on the other hand, does not contain even an attempt to refute them.

A long recital of the facts, by which those charges are borne out, is to be found in the note* which was addressed by Viscount Palmerston to the Baron de Moncorvo on the 30th April, 1836; and the earnest attention of the Portuguese Government was at that time called to the circumstances detailed in that note.

The statement in Viscount Palmerston's note was not controverted; but the misdeeds which it enumerated have remained unpunished; and the persons who protected the offenders still continue in authority.

In the months of March, April, and May of the last year, facts of the same nature, but of a more recent date, were made known to the Portuguese Government. These facts have not been disputed; for to deny them was

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* See page 83.

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impossible. But Her Majesty's Government is not aware, that any steps have been taken thereupon by the Portuguese Government, for the purpose of putting these practices down.

M. de Sá da Bandeira then goes on to allege, as an excuse for the conduct of Portugal in this matter, that she has, in times past, had all other nations for accomplices in this crime; and that Great Britain herself, at an early period of her history, engaged largely in the now proscribed Slave Trade.

These assertions are indisputably true; but what do they prove? or how do they bear, in exculpation of the present conduct of Portugal? Do they not rather render that conduct the less excusable? For, if Great Britain has long since spontaneously abandoned her course of crime; and if almost all the other nations of Europe have followed her example; does it not add to the criminality of Portugal, that she should still persevere in a system of guilt, which her former accomplices have thus repudiated?

But, as Viscount de Sá has thought fit to appeal to history, Her Majesty's Government deem it right to observe, that, however early the period at which Great Britain began the Slave Trade, she found even then, that this trade had already been established by Portugal for upwards of a century before.

The Portuguese annals show, that the earliest Portuguese navigators in the African seas, though they had the honour of first opening to Europe the great water-road to the vast regions of the East, yet tarnished their glory by practising the crime which continues, even to this day, to stain the character of their country.

The earliest narrator of those voyages, Cada Mosto, relates, that, in the middle of the fifteenth century, the Slave Trade was put under regulation by Prince Henry of Portugal, in order to check the desultory incursions, which the Portuguese had previously been in the habit of making upon the villages on the coast, for the purpose of carrying off slaves. It was ordered, that the slaves should thenceforward be brought down to the coast by the native traders, and should be purchased from them at fixed prices. At that early period, the number imported annually into Portugal from Arguin alone, is stated, by Cada Mosto, to have amounted to from 700 to 800 "head." For these Africans were not then counted by the modern system of enumeration by souls, but, like cattle, were reckoned by the head.

The difference, then, on this point, between Great Britain and Portugal, appears to be, that Great Britain was the last of the two to take to the Slave Trade, and was the first to leave it off; that Portugal began to practise it the first, and now clings to it the last.

M. de Sá da Bandeira then proceeds, but with what advantage to his argument is not apparent, to enumerate the successive steps which Great Britain has taken, while pursuing her disinterested and generous course of atonement to the African race for the injustice of her former conduct. M. de Sá records the honourable and persevering exertions by which the friends of humanity in England, after many years of untiring labour, succeeded in persuading the Legislature to abolish the Slave Trade; to abolish it, moreover, without being bound to do so by Treaty with any foreign power, and without being paid for doing so, by the treasury of any foreign nation. He mentions the successive attempts made by British slave-traders to evade the abolition law, and adverts to the various remedies applied by the Legislature to make that law more stringent and effectual; till at last the severity of the punishment, and the rigorous enforcement of the law, entirely put an end to the crime. But the Viscount de Sá does not stop here, nor does he omit to record, that the British nation, not satisfied with simply abolishing the trade in slaves, felt that it could not hold itself exempt from guilt, so long as the condition of slavery should continue to exist in the dominions of the British Crown; and that the British people, by an act of disinterested generosity, unparalleled in the history of the world, gave freedom to 800,000 slaves, paying, at the same time, as compensation to the owners, no less a sum than twenty millions sterling. And what, it may be asked, after so noble a proof of sincerity, what becomes of the sneers of those who, incapable, it must be supposed, themselves, of any generous sentiments, ascribed to motives of selfish and sordid interest the efforts of Great Britain, to persuade other nations to abstain from the trade in slaves?

But, great is the contrast, which the picture, thus drawn by Viscount de Sá of the conduct of Great Britain, presents to the course which has been pursued

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on the same subject by Portugal; who has declined to fulfil the engagements of solemn Treaties, which bind her to abolish the Slave Trade; who has refused to do the very thing for which, by her own admission, she has received upwards of 400,000*l.*; and whose laws against Slave Trade have remained a dead letter, and have never yet, in any single instance, been carried into execution.

But, if the inference which Viscount de Sá intends to draw from this part of his note is, that Great Britain found it difficult to put down her Slave Trade, and that Portugal is therefore excusable for not having put an end to hers; the reply is simple and obvious: that Great Britain, having the will and the determination to act, has fully accomplished her purpose; and that as Portugal has not achieved the same end, it must thence be inferred, that she has not the same determination and good will.

But it must not be forgotten that the British Government is not now asking of Portugal fully to follow out the noble example which Great Britain has set her. Portugal is not bound by Treaty to emancipate her slaves; and Great Britain asks nothing which she has not, by Treaty, a right to demand. But Portugal is bound by Treaty to abolish her Slave Trade; and what the Treaty stipulates, Great Britain is justified in exacting.

Viscount de Sá admits, that Portugal has contracted engagements; but denies their alleged extent, and asserts that they have been fulfilled. He acknowledges that Portugal has received from England a large sum of money, in consideration of the abolition of the Slave Trade of Portugal; but he asserts that this sum was less than has been represented; that it was paid for the partial, and not for the total abolition; and that it was also partly a compensation for the restitution of French Guayana to France.

Now let these allegations be successively examined.

M. de Sá da Bandeira admits, that in 1810 Portugal "bound herself by a Treaty to England to abolish the Slave Trade in all her dominions." Is this a limited engagement? and has this engagement been fulfilled? nay, has the Slave Trade been really abolished, not "in all the dominions of Portugal," but even in any one single part of those dominions? and is it not, on the contrary, notorious, that, even in the port of Lisbon itself, vessels have been permitted to be equipped for that very traffic? And if all of these questions can only be answered unfavourably to Portugal, this part of Viscount de Sá's defence must necessarily fall to the ground.

With respect to the payment, which was received by Portugal for the abolition of her Slave Trade, His Excellency says, that the sum actually received by Portugal was not so much as 600,000*l.*, as has been stated, but was rather more than 400,000*l.* If Her Majesty's Government have overstated the amount of actual payment, they are ready to correct their error. Assuming the statement of the Viscount Sá to be correct, they conceive that payment of between 400,000*l.* and 500,000*l.* was sufficient to entitle Great Britain to demand the fulfilment of the condition, upon which that large payment was made.

But was this sum paid for a partial or for a total abolition of the Slave Trade of Portugal? The most cursory examination of the Treaty of 1815 will show that it was for the total, and not for a partial, abolition, that this sum was granted to Portugal. For the preamble of that Treaty, and the Fourth Article, distinctly contemplate and provide for the general and final abolition of the Slave Trade by Portugal; and the payment to Portugal having been stipulated in the Fifth Article, must be deemed to be the British consideration for the preceding Portuguese engagements.

Nor is this correlation affected by the fact, that the payment was to be made as soon as the ratification of the Treaty should be published. On the contrary, this circumstance shows, that Great Britain would not consent to make the payment, until Portugal should, by making known to the world her ratified engagements, have bound herself, in the most solemn and public manner, to the final and complete abolition of her Slave Trade.

Subsequent events have indeed shown, that it would have been more prudent in Great Britain to have withheld the payment, until the engagements of Portugal should have been fully and punctually performed. But it ill becomes the Portuguese Government, to make the misplaced confidence of Great Britain in the good faith of Portugal, the subject of taunt or of reproach.

But the British Government must be permitted to observe, that there is an appearance of discrepancy, between different passages, in this part of Viscount de

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Sá's note; because, while in one passage he asserts, that the sum of between 400,000*l.* and 500,000*l.* was paid to Portugal, at all events, in consideration of a partial abolition of her Slave Trade, in another passage he repels the notion, "that Portugal ever sold her co-operation to any other nation."

Viscount de Sá, however, appeals to the negotiations of 1815, for the proof of the interpretation, which he gives to the engagements contracted by Portugal.

But the engagements of a nation are to be determined by its Treaties, and not by the varying propositions and replies, which may have been made by either party during the progress of the negotiations which led to those Treaties; and even if Viscount de Sá was right in his interpretation of the negotiations of 1815, his argument would be of little avail, unless he could explain away the clear and incontrovertible text of the Treaty subsequently concluded.

But Her Majesty's Government will follow Viscount de Sá into an examination of the negotiations to which he refers.

The papers, to which Viscount de Sá especially alludes, are the note of 12th January, 1815, from the Portuguese Plenipotentiaries to Lord Castlereagh; the Treaty of 22nd January, 1815; and the first secret article annexed to that Treaty; and he particularly insists, that this last-mentioned document shows, that the residue of the 600,000*l.* was given by Great Britain to Portugal, in consideration of the restitution of Guayana by Portugal to France.

Now, the history of this part of the negotiations in question is as follows:—

At the commencement of the conferences on Slave Trade, held at the Congress of Vienna, the Portuguese Plenipotentiaries, on the 17th November, 1814, delivered in their propositions in writing,—"Their offers" were; that Portugal should abolish immediately the trade to the north of the Line, and, in *eight years* afterwards, should put an end to her Slave Trade every where else; provided that, *during that period* of eight years, the British cruizers should not prevent the trade to the south of the Line.

"Their" corresponding "demands" were, first, that an indemnity should be granted for Portuguese losses, sustained in Africa, in consequence of seizures of Portuguese ships by British cruizers; and that this indemnity should be the subject of a Convention, to precede the Treaty of Abolition; secondly, that Great Britain should be pleased to acquit Portugal of the remainder of her debt of 600,000*l.*; thirdly, that Great Britain should guarantee to Portugal, Bissao, and Cacheo; fourthly, that the Treaty of Commerce of 1810 should be cancelled.

Lord Castlereagh, having stated that he had no power to cancel the Commercial Treaty of 1810, delivered in a note to the Portuguese Plenipotentiaries, in which he proposed, first, to give immediately to Portugal 300,000*l.* for the losses sustained by Portuguese subjects in Africa, provided that Portugal would immediately abolish her Slave Trade north of the line; and, secondly, that the other points at issue, including the remission of the residue of the loan, and the *fixing of the period to be assigned by Portugal for the entire abolition* of the Trade, should be left for subsequent discussion.

But the Portuguese Plenipotentiaries demanded, even for the abolition north of the Line, not only the proposed immediate payment of 300,000, but also the remission of the residue of the loan of 600,000*l.*; and besides this, the abrogation of the Treaty of Alliance of 1810; and they took that opportunity of objecting to the cession of Guayana to France, evidently meaning, as Lord Castlereagh observed, to make that cession a ground for new demands, both upon France and upon Great Britain; and, in fact, such demands were afterwards embodied in the note referred to by M. de Sá da Bandeira.

But the Portuguese Plenipotentiaries, in their note of 12th January, 1815, demand the 300,000*l.* as compensation for losses previously sustained; and on that ground, they object to its being included in the same Treaty which was to declare the principle of future abolition.

The British Government, anxious to make every possible sacrifice for the attainment of its object, consented, without hesitation, to cancel the Treaty of Alliance of 1810, and to grant the 300,000*l.* for losses sustained previously to 1815, and consented to the request of the Portuguese Plenipotentiaries that the grant of that 300,000*l.* should not be included in the Treaty, which was to contain the principle of general and final abolition; though the remission of the residue of the debt of 600,000*l.* was included in that Treaty. From this fact, it seems clear that the 300,000*l.* was not the price of future and entire abolition; but that the remission of the outstanding portion of the 600,000*l.*

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Accordingly, on the 21st of January, 1815, Great Britain concluded a Convention with Portugal, by which, in consideration of regulations to be made by Portugal for the suppression of the Slave Trade, Great Britain agreed to give 300,000*l.* to Portugal, to be distributed by the Portuguese Government in discharge of claims, on account of captures made by British cruizers before the 1st of June, 1814.

On the next day, namely, the 22d January, 1815, Great Britain concluded a Treaty with Portugal, by which Portugal, after recording in the preamble her engagement "to co-operate with Great Britain, in the cause of humanity and justice, by adopting *the most efficacious means* for bringing about a gradual abolition of the Slave Trade;" (that is to say, a total and general abolition of that trade;) stipulated, that her Slave Trade should immediately be abolished north of the equator; engaged, that her Slave Trade, south of the equator, should from thenceforth be confined to the purpose of supplying the trans-Atlantic possessions of Portugal; and positively bound herself "to determine, by a separate Treaty with Great Britain, the period at which the Portuguese trade in slaves should universally cease, and be entirely prohibited throughout the entire dominions of Portugal."

Great Britain, on her part, and in return for these engagements, agreed to cancel the Treaty of Alliance of 1810, and to remit to Portugal the residue of the loan of 600,000*l.*, and promised that, for the further period during which the Slave Trade might be permitted to be carried on by the laws of Portugal, and under the Treaties subsisting between the two Crowns, the British Government would issue such orders to British cruizers, as would effectually prevent any interruption being given to Portuguese ships, resorting for purposes of Slave Trade, on the south of the line, to the *actual dominions of the Crown of Portugal*, or to the territories in Africa, which were claimed in the said Treaty of Alliance, as belonging to the Crown of Portugal.

To this Treaty, three secret articles were annexed. By the first of these, Portugal engaged to carry into effect the restitution of French Guayana to France; while Great Britain engaged to mediate for a favourable arrangement of the Portuguese boundaries on the side of Guayana. This article was nearly a transcript from the 10th article of the Treaty of Paris.

The second secret article confirms a stipulation in the Treaty of Alliance of 1810, that Portugal will not establish the Inquisition in Brazil; and the third secret article states, that Great Britain shall give compensation for any Portuguese vessels, which might, at that time, have been illegally detained by British cruizers, subsequently to the 1st of June, 1814, or which might thenceforward be so detained, before the time when the trade to the north of the Line should be abolished, in conformity with the Treaty.

These secret articles, therefore, in no degree bear out the statement of M. de Sa da Bandeira, that they contain a stipulation, that the residue of the loan should be remitted by Great Britain, in consideration for the restitution of French Guayana to France.

The secret articles make no mention whatever of the remission of the balance of the 600,000*l.*; but they do mention the restitution of French Guayana by Portugal, for which no other consideration, on the part of Great Britain, is stipulated, except a promise, that Great Britain would employ her mediation, in conformity with the provisions of the 10th article of the Treaty of Paris, to procure a friendly arrangement of the dispute between Portugal and France, on the subject of their common boundary in Guayana.

But the proceedings of the negotiation did not entirely rest here. For while the Plenipotentiaries of other powers at the Congress had willingly and gratuitously agreed to abolish their Slave Trade within five years, Portugal had vainly endeavoured to sell, for an abrogation of her Treaty of Commerce with England, her consent to abolish her Slave Trade at the end of eight years.

At the conclusion of the Congress, the Portuguese Plenipotentiaries, fearful, that their conditional admission of a final abolition at the end of eight years, might be misconstrued into any thing but an intended bargain, re-stated their condition of sale; and desired, in writing, that the British Plenipotentiary would leave them a document, which might "cover their responsibility," by showing, that they had not been more liberal in their offers, than their instructions had authorised them to be.

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The British Plenipotentiary conceived, that he had already made a sufficient pecuniary sacrifice, as the price of the engagements contracted by Portugal finally to abolish, and, in the mean time, to restrict, her Slave Trade; and he accordingly addressed a note to the Portuguese Plenipotentiaries, acknowledging the receipt of their last communication; but expressing the determination of the British Government to preserve, "wholly unfettered by any conditions," the course, which that Government might deem it necessary to pursue, for the purpose of accelerating the abolition of Slave Trade.

Viscount de Sá, quitting for awhile the particular subject to which his note more immediately relates, launches out into a wider field, and discussing the mutual advantages derived by Great Britain and Portugal from their alliance, expresses an opinion, that the balance of benefit has been in favour of England; alleging that the ruin and desolation produced in Portugal by the invasion of the French, and the expenses incurred by Portugal in defending herself, were by no means compensated by the subsidies granted to her by England; while, on the contrary, Great Britain, in the first place, successfully defended her own liberties upon the soil of Portugal, and afterwards, by Treaties with Portugal, obtained in Brazil, and in Portugal itself, commercial and other advantages highly beneficial to England, and ruinous in their consequences to Portugal.

Now, upon the last-mentioned topics, Her Majesty's Government have to observe, that the opening of the ports of Brazil to British commerce was a measure productive of mutual and equal benefit to both countries; and that the permission to buy timber in Brazil, and to build ships of war in Brazilian ports, was a permission of no value to Great Britain, and which Great Britain most readily relinquished; but which, if Great Britain had availed herself of it, would have been attended with no loss to Portugal, because Great Britain was to pay the full value for the timber and other articles, which she was thus to be at liberty to purchase. With regard to the Commercial Treaty of 1810, it is to be remarked, that if this treaty was really injurious to Portugal, it seems somewhat strange and unaccountable that Portugal should have allowed ten years to elapse after the time when, by the terms of the treaty itself, she had acquired a right to put an end to it, and that she should not, during those ten years, have ever availed herself of that right; while, on the other hand, Great Britain, even as early as the year 1815, expressed her willingness to revise that treaty.

Viscount de Sá, having alluded to the Secret Articles of the Treaty of Alliance of 1810, the British Government feels itself called upon to remark that those Secret Articles were decidedly in favour of Portugal, and that the statement of M. de Sá da Bandeira, that by them Portugal ceded to Great Britain the "interesting" settlements of Bissao and Cacheo, is not borne out by the fact.

For what did those two Secret Articles contain?

The first stipulated that Great Britain should mediate with the Barbary powers in favour of Portugal; the second, that if Great Britain should succeed in obtaining for Portugal restitution of Olivença and Jurumenha, and in establishing for Portugal the ancient boundary of Guayana, in conformity with the Treaty of Utrecht, then, and in such case, Portugal would entirely abolish and strictly prohibit the Slave Trade at Bissao and Cacheo, and would, moreover, for a reasonable compensation in money or otherwise, cede to Great Britain for 50 years the said settlements of Bissao and Cacheo, with a reservation, however, that those settlements should revert to the Crown of Portugal at the end of those 50 years; but without any power on the part of Portugal ever to revive the Slave Trade therein. This Secret Article, however, never came into operation; and the settlements of Bissao and Cacheo have continued in the possession of the Crown of Portugal, and deserve the appellation of "interesting," only as it is interesting to the cause of humanity that they should cease to be, as they now are, the notorious haunts of dealers in slaves.

The foregoing statements show, that Portugal has throughout endeavoured to barter, for pecuniary and other considerations, her co-operation in suppressing her Slave Trade; that she absolutely sold the immediate suppression of it to the north of the Line, together with a positive engagement to determine by Treaty the period for its entire and final abolition every where else, for the sum of 300,000*l.* paid down, and for the remission of a debt of upwards of 400,000*l.*, making in all more than 700,000*l.*; and also for the abrogation of the Treaty of Alliance of 1810.

After this statement of facts, drawn from the very records quoted by M. de Sá da Bandeira, can it be fairly asserted, that the sums given by England did not

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amount to 600,000*l.*?—that the only sum given was the 400,000*l.*, residue of the debt of 600,000*l.*?—that this sum was compensation for a partial, and not for a final abolition, and included also a consideration for the cession of Guayana; and that Portugal never sold her co-operation for the future entire abolition of the Slave Trade?

Her Majesty's Government are content to leave to the judgment of the Portuguese nation the attempt, made in M. de Sá da Bandeira's note, to depreciate the ancient alliance between the Crowns of Great Britain and Portugal, and to disparage the sacrifices made by Great Britain in aid of Portugal, during the struggles of Portugal against France.

Her Majesty's Government are content to let it rest with history, to record the succours and protection of all kinds afforded by Great Britain to Portugal, from 1807 down to the end of the war; the preservation of the Portuguese colonies; the rescue of the royal family, and their removal to Brazil; and the liberation of Portugal itself from invaders, whom the Portuguese, unaided, would never have been able to expel. That England had a great and direct interest in accomplishing these results, no rational man would pretend to deny; for if such an interest had not existed, the British nation would never have consented to spend for these purposes the large sums, which the British forces, naval and military, employed in aid of Portugal, have cost, in addition to the sum of nine millions sterling, contributed by Great Britain, in the shape of subsidy, to cover the expenses of Portugal itself.

But history will also record, that the British nation, in its dealings with Portugal, did not confine itself to the cold calculations of policy, and that it did not limit its pecuniary sacrifices to the amount requisite for a successful termination of the war, and for accomplishing the political objects, which were to be attained by expelling the then enemies of Great Britain from the territory of Portugal. The British nation, by its conduct at that time, nobly disproved the imputation, which of late has been sedulously cast upon it by a certain party in Portugal, that the desire of England to maintain her connection with Portugal is founded upon sordid and selfish motives; for such were the generous and disinterested feelings of sympathy, excited in England by the calamities brought upon the Portuguese nation by the invasion of the French, that not only did the British Parliament vote a large grant to be applied to the relief of the sufferers in Portugal, but the British nation also raised by private subscription upwards of 100,000*l.* for the same benevolent purpose; and the thanks of Portugal, for the bountiful aid thus afforded to her suffering population by England, were loudly, unanimously, and honourably proclaimed; and the heartfelt gratitude at that time expressed, affords a striking contrast with the calumnious aspersions against England, which it has of late suited the political purposes of a small party in Portugal so industriously to disseminate. And here the British Government must take leave to quote the concluding passage of the Report, made by the Committee which was appointed to distribute the grant, and which consisted of two British subjects and two very distinguished Portuguese. The Committee end their Report by the following passage:—"The feelings with which this gift has been received, the proofs of gratitude displayed by solemn acts of thanksgiving, and by the warmest expressions of individual acknowledgment, show that Great Britain has *not relieved an ungrateful people*, but that her generosity has drawn still closer the indissoluble ties which unite the two nations."

How far this Committee was borne out in the opinion expressed by the words which are underlined, many circumstances which have happened within the last three years might well entitle Her Majesty's Government to doubt. But the British Government knows how to distinguish between the virulence of individuals and the feelings of a whole people; and will not impute to the Portuguese nation at large any participation in the language and conduct of a few men, whom accidental circumstances have for the moment invested with influence or power.

These topics, indeed, are foreign to the subject of the present discussion; but it was the note of the Viscount de Sá which led the way into this extraneous field.

M. de Sá da Bandeira, however, returning to his subject, refers to the Decrees of the 10th of December, 1836, and of the 16th of January, 1837, as evidence of the intention of Portugal to suppress the Slave Trade throughout the dominions of Portugal. He adverts to peremptory orders addressed to the Portuguese authorities in furtherance of that intention. He asserts, that Portugal never refused to conclude a treaty for the complete abolition of the traffic. He says, that Portugal

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only required, with full justice, that, besides the guarantee of the Portuguese dominions in Africa, there should be stipulated conditions, similar to those which Great Britain had agreed to with France and other powers, and especially a stipulation, that detained vessels should not be adjudicated by Mixed Commissioners; and he argues from these points, that the delay in concluding the treaty is not to be imputed to Portugal; that she has done all she is bound to do, and even more, and consequently that Great Britain has no right to quote the entire abolition of Portuguese Slave Trade by law, and the complete separation of the former transatlantic dominions of Portugal from the Portuguese Crown, as producing a state of things which will justify Great Britain, under the Treaties of 1810 and 1815, in taking steps to interfere with Portuguese Slave Trade to the South of the Equator.

Such is the line of argument adopted by M. de Sâ da Bandeira; and His Excellency sums up his reasoning against the justice of the steps, which he deprecates on the part of Great Britain, by dwelling upon the stipulation of the additional article to the Convention of 1817, not yet carried into effect;—that when the abolition shall have taken place in Portugal, the two Governments shall "adapt to that state of circumstances the stipulations of that Convention."

The short answer to this argument is, that the Portuguese Government refuses to apply to the present state of things, that is to say, to apply to the prohibited and illegal Slave Trade of Portugal, south of the line, the stipulations of the Convention of 1817. But the Undersigned is further commanded to state, that Her Majesty's Government have two grounds of complaint against the Government of Portugal.

The one is, that Portugal does not fulfil with fidelity the stipulations which she has already contracted; and the other is, that she does not contract those further stipulations, which, by Treaty, she has bound herself to adopt.

The conclusion, which Great Britain draws from hence, is, that she is entitled and compelled to have recourse to her own means, in order to accomplish results which she has a right to obtain.

By the 10th Article of the Treaty of Alliance of 1810, Portugal, "fully convinced of the injustice and impolicy of the Slave Trade," engaged "to co-operate with Great Britain," in the cause of humanity and justice, by adopting the most efficacious means for bringing about a gradual abolition of the Slave Trade, throughout the whole of her dominions; and She bound herself, even then, to prevent it, in any part of Africa, not within her own dominions, where it had been discontinued by other Powers; and she engaged to assimilate her laws on Slave Trade, as much as possible to those of Great Britain.

By the 1st and 4th Articles of the Treaty of the 22d of January, 1815, Portugal promised "to determine, by a separate Treaty, the period at which the Trade shall universally cease, and be prohibited, throughout the entire dominions of Portugal;" and bound herself, during the interval, not "to engage, or to permit her flag to be used, in Slave Trade, upon any pretext or in any manner whatever," except in respect to her export trade from Africa to the southward of the Line, and in respect to her import trade, for the supply of her transatlantic possessions.

On the other hand, Great Britain engaged, by the 2d Article of the Treaty of 22d January 1815, that, provided Portugal should faithfully fulfil that Treaty, "according to its true intent and meaning," Great Britain would not interrupt Portuguese vessels resorting for Slave Trade to the Portuguese territories, possessed or claimed in Africa to the south of the Line, "during such further period as the same may be permitted by the law of Portugal, and under the Treaties subsisting between the two Crowns."

Now, in the first place, Portugal never has "faithfully fulfilled the Treaty of 1815, according to its true meaning and intent;" but has notoriously, from the hour that Treaty was signed, down to the present time, left that Treaty, as far as Her co-operation is concerned, wholly unexecuted, and without effect, with the exception always of that stipulation, by which the balance of the 600,000*l.* was to be remitted; and upon this ground alone, of non-execution by Portugal, Great Britain may claim to be released from her engagement, not to interrupt Portuguese Slave Trade to the south of the Line.

But, in the second place, Portugal has no longer any trans-Atlantic possessions, and the trade is, therefore, no longer permitted to her subjects by Treaty, since it was restricted by the Treaty to the supply of those possessions. Thirdly, the Portuguese Decree of the 10th of December, 1836, rendered the trade no longer lawful, according to the legislation of Portugal; that trade is, therefore, now a vio-

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lation both of Law, and of Treaty; and consequently, even if Portugal had strictly fulfilled the engagements which she took by the Treaty of 1815, the time is now arrived, when, by the conditions of that very Treaty, Great Britain is released from her temporary engagement, not to interrupt Portuguese Slave Trade to the south of the Line; and as Portugal accepted that engagement, with its conditional and temporary limitation, she is not entitled to require, that the engagement should survive the existence of the conditions specifically attached to its duration.

The Treaty of 1815 admits the previous existence of a right of interruption on the part of Great Britain, because the Treaty stipulates for a suspension of that right. But it is a suspension, and not a surrender, which is stipulated for in that Treaty; it is, moreover, a suspension conditional upon specified things, and dependent upon contingent events, which are distinctly mentioned; and it is not a suspension for any fixed or definite period of time. But the correlative conditions have not been performed; and the contingent events, upon the occurrence of which the suspension was to end, have happened.

But, in addition to the stipulations of the Treaty of 1815, there were circumstances which took place, when the ratifications were exchanged, which have a strong bearing upon the present question.

The British Government was determined, that there should be no misunderstanding between the two Powers, as to what were the express objects of the Treaty and of the Convention of 1815; nor any doubt as to the determination of the British Government, that those objects should be attained. Accordingly, the British Minister at the Portuguese Court was specially ordered, not to exchange the ratifications of one of those instruments, without, at the same time, exchanging the ratifications of the other: and not to exchange the ratifications of either, unless the Portuguese Minister should, at the time of making the exchange, place in the hands of the British Minister a declaration, prohibiting Portuguese Slave Trade to the north of the Line; and the British Minister was further ordered to present, at the same time, a declaration, on the part of Great Britain, stating that "it is the firm and determined intention of His Royal Highness the Prince Regent, to use the most effectual means in his power for securing to those parts of the coast of Africa, in which the Court of Portugal has, by Treaty, concluded at Vienna, on the 22d of January, agreed to prohibit the Slave Trade to its subjects, the full benefit of that agreement and prohibition, and that His Royal Highness will think it His duty, in consequence of the mutual declaration of the two Powers, in the Treaty of the 19th of February 1810, and of the special engagements of the Treaty of the present year, to cause to be adopted *the same efficacious means, to secure the observance of that prohibition, which are commonly used by all nations to vindicate the breach of prohibitory laws of trade in restricted parts;*" and the British Minister was ordered not to exchange the ratifications, unless the Portuguese Government consented to accept this declaration.

The British Minister executed these instructions; and the declaration was presented to, and accepted by, the Portuguese Plenipotentiaries.

Now, as the Viscount de Sá contends, that Portugal has executed with good faith the engagements she has contracted, it becomes necessary for the British Government to take a short review of the state of Portuguese Slave Trade, since the conclusion of the Treaties just mentioned, and since the exchange of declarations, which accompanied the ratification of those Treaties.

From 1815, down to the present moment, the trade of Portugal in slaves has continued without interruption or diminution. It is now more extensive than at any former period, even when unrestricted by Treaty; and it prevails with great intensity at the very places, where it was expressly forbidden by the Treaties of 1810 and 1815.

The British Government has incessantly but ineffectually laboured, by the strongest remonstrances, to awaken the Portuguese Government to a sense of the obligation it has contracted to repress this unlawful trade.

But the African seas and the Atlantic swarm with vessels, bearing the flag of Portugal, and loaded deep with human victims.

In 1837, 48 vessels, bearing the Portuguese flag, entered the port of the Havana, after having landed slaves in the neighbourhood; and, in 1838, 44 Portuguese vessels followed in the same course; and reckoning upon an average 443 slaves for each vessel, the number of slaves landed in Cuba by these Portuguese vessels must have been at least 19,700.

But the number of Portuguese slave-vessels which carry on the trade with

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Brazil is still greater. At Rio de Janeiro alone 93 slave-vessels under the Portuguese flag are reported as having entered the port in the year 1837, and as having landed, in the province to which that capital belongs, the enormous number of 41,600 slaves. In the year 1838, 84 Portuguese vessels landed, in the same province, 36,700 slaves. It will be observed, that this calculation does not include the number of Portuguese slave-vessels, which resort to other places in Cuba besides the Havana, nor to any other provinces in Brazil but that of Rio de Janeiro. To these must again be added the number which founder at sea, and the number of those which are captured and condemned, which, at Sierra Leone, amounted to 36 in the two years 1837 and 1838.

Even Lisbon itself has occasionally been the port of equipment for such undertakings.

No Portuguese authorities, either at home or abroad, have ever taken any effectual steps to punish, or even to interrupt, this trade.

The Portuguese Consuls almost everywhere assist it; and the Colonial authorities universally protect it; and some of both these classes of officers are much calumniated, if they do not themselves profit by the continuance of this crime.

Nor are these things unknown to the Portuguese Government; for the Government of Great Britain has stated them repeatedly, and in detail, with all particulars of times and places, and names of ships, and persons, which could be necessary to enable the Government of Portugal to enforce its laws, to vindicate its faith, and to fulfil its Treaties. But the equipments still continue; the trade goes on unmolested; the conniving Consuls are unrecalled; the delinquent Governors retain their authority; and the offending slave-traders remain unpunished.

Inquiry has indeed been promised, but redress has not been afforded. Prohibitory edicts have been published, but they never have been carried into effect.

M. de Sá da Bandeira, indeed, dwells on the Decrees of the 10th of December, 1836, and of the 16th of January, 1837, which, in words, abolished the Slave Trade throughout all the Portuguese dominions; and he quotes the peremptory orders, addressed to the Portuguese Colonial authorities, making them responsible for the execution and observance of these Decrees.

But when M. de Sá da Bandeira quoted those documents, had he in his recollection the Manifesto of the Marquis d'Aracaty, Governor of Moçambique, suspending those very Decrees throughout the whole of that extensive colony? and did he bear in mind, that these contumacious proceedings have not yet been punished by the Government of Lisbon?

No national interest can now be pleaded by Portugal for the continuance of this trade; for the trans-Atlantic Colonies, to which she used to carry slaves, in order to supply labour for the cultivation of the soil, have separated from the mother country; and the African Colonies, from which slaves are now carried, are depopulated and impoverished, and kept in a state of barbarism, by the practice.

It is true, indeed, that the Governor of one of these Colonies alleged, as an excuse for suspending the above-mentioned Decrees, that slaves are the only commodity which this province now produces for profitable exportation; and that the duty, levied upon this kind of exportation, is the only sure revenue which he can depend upon, for the payment of the salaries of himself and of his subordinate officers; —a singular assertion, truly, for an officer governing a province, where the soil is inexhaustibly fertile, where the climate is suited to the cultivation of all the most productive crops, and where many precious substances, for which there is a great demand in Europe, may be collected in large quantities by moderate labour.

But the Portuguese Government has acknowledged, that the Slave Trade does not conduce to the prosperity of the Portuguese Colonies, but that on the contrary it is the cause which paralyzes their development. The truth is, that this trade enriches a few Governors, some subordinate officers, and a number of private merchants, at the expense of the best interests of the State; and thus it is, that to benefit a few individuals, some of them, indeed, Portuguese, but many of them foreign adventurers, Portugal permits her flag to be disgraced, her laws to be violated, her good faith to be impeached, and her Treaty engagements to be broken.

In fact, it is the foreign marauder, far more than the native Portuguese pirate, for whose advantage this continued breach of Treaty is committed by the Government of Portugal; and one great evil resulting from the present state of

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things is this: that Portugal, by refusing to fulfil her own engagements, nullifies, to a great degree, the engagements contracted by other powers.

Thus it is, that, although the Treaty concluded by Great Britain with Spain has almost entirely put down Slave Trade under the Spanish flag, yet the Spanish Slave-Traders have hoisted the flag of Portugal, and, under its protecting shelter, have continued to pursue with impunity their course of crime.

Thus it is, that the Government of Brazil, when reproached by Great Britain with the extent of Slave Trade carried on between Africa and Brazil, declares that this trade is conducted by Portuguese protection, against the wishes of the Brazilian Government; and calls upon Great Britain to unite with Brazil, in putting a stop to this abuse of the Portuguese flag.

Whenever Portugal has been urged by Great Britain to co-operate, in devising more extensive means of putting down the trade, she has either refused, or has endeavoured to drive a bargain, as she did in 1815, and 1817, when she required a valuable consideration, to induce her to join "in the promotion of a general measure, having for its object the good of humanity alone."

In disregard of the 10th Article of the Treaty of 1810, she declines to "co-operate with Her Britannic Majesty, by adopting the most efficacious means for bringing about a final abolition of the Slave Trade." In disregard of another part of that same Treaty, she permits her Slave Trade to continue, in parts of Africa, "where the Powers and States of Europe which formerly traded there have discontinued and abandoned it." In violation of the Treaty of January, 1815, she still "permits her flag to be used for supplying with slaves other places than the trans-Atlantic possessions of Portugal." In violation of the 3rd Article of the Additional Convention of the 28th July, 1817, she absolutely refuses to "assimilate the legislation of Portugal upon Slave Trade with the legislation of Great Britain." In violation of the 2nd Article of that Convention, she seeks to prevent Great Britain from putting down that Slave Trade which, by that Article, both Powers jointly declared to be illicit, namely, the exportation of slaves in Portuguese vessels from "ports not possessed or claimed by Portugal, in Africa," and the importation of slaves in Portuguese vessels into "ports not in the dominions of Her Most Faithful Majesty." In violation of the separate Article of the 11th September, 1817, she refuses to adapt the provisions of the Convention of the 28th of July, 1817, to that altered state of circumstances, which exists in consequence of the law, which has abolished the Slave Trade in all the dominions of the Crown of Portugal.

She has refused to sign a Treaty, which comprises stipulations indispensably necessary for carrying these various provisions into effect, although urged to do so by Great Britain, during a negotiation protracted for upwards of four years; but, on the contrary, she insists upon stipulations, which would render such a Treaty as inefficacious as are her own laws.

Instead of consenting to give greater power for the detention and for the condemnation of slave-vessels, she endeavours to recede from the limited power, which she granted for those purposes 20 years ago; she tries to narrow the extent of the mutual right of search, which, by the Treaty of 1817, is without any limitation of geographical space, and which may now be exercised in every part of the world. She wants to abolish the Mixed Tribunals, established by the existing Treaties, and to submit the adjudication of detained slave-ships to Portuguese tribunals; from whom, in cases of this kind, guilt, the most flagrant and the most clearly proved, would be certain to obtain an acquittal.

She struggles for a power to cancel, at the end of a certain period, such portion of the Treaty as she may dislike; that is to say, in other words, she asks for a power to revive, at the end of a certain period, the Slave Trade of Portugal, in all the original plentitude of its iniquity.

She demands a guarantee of her African possessions, against the dangers to which they will be exposed from a measure, which the Portuguese Government itself acknowledges to be an indispensable foundation for the welfare and prosperity of those colonies; and she asserts, that "propriety and decorum require these conditions," so utterly repugnant to good faith, to national interest, and to national honour.

The stipulations, which Great Britain has urged on the acceptance of Portugal, are represented by M. de Sá da Bandeira, as sacrifices which Portugal is called upon to make to England, without any corresponding concession from England to

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Portugal. But Great Britain has asked nothing from Portugal, which she has not herself been ready reciprocally to grant.

No power is more jealous than Great Britain of interference with its flag on the high sea; but Great Britain conceded to Portugal the power of interfering with that flag, by the same stipulation which gave to Great Britain the power to interfere with the flag of Portugal.

No nation is more averse than the British to submit the rights of any of its members to a foreign jurisdiction; and yet the British nation willingly yielded to a mixed British and Foreign tribunal, the adjudication of British property, which might be accused of being concerned in this trade, stipulating only for a similar concession on the part of Portugal in return.

Her Majesty's Government, in calling upon Portugal to fulfil the engagement she has taken, to assimilate as much as possible the laws of Portugal, on Slave Trade, to those of Great Britain, does not ask, as M. de Sá da Bandeira represents, that the Portuguese Government should attach to Slave Trade the punishment of death. M. de Sá da Bandeira states, that the Undersigned "proposed, in his second project of the Article," that the offence should be made capital. His Excellency has misunderstood that project: but the words of that project are clear and explicit: They are as follows:—"Slave Trade shall be declared to be piracy, and those guilty of it subjected to the heaviest *secondary* punishment:" and this expression occurs in each of the two projects, proposed by the Undersigned in his note of the 20th May, 1838.

The law of England no longer attaches the punishment of death to that description of piracy which consists in Slave Trade; and all that Her Majesty's Government desire is, that the law of Portugal on this matter should be made the same as that of England.

The Undersigned having thus, by order of his Government, gone through the various topics adverted to in the note of Viscount de Sá, has only in conclusion to express the regret of the British Government, that the final determination adopted by Portugal should have compelled Great Britain to enter into this long and painful reply; and to say, how deeply concerned the British Government is, at finding itself placed under the imperious necessity of resorting to those measures, which, in the course of this negotiation, the Portuguese Government has more than once been informed, would be the unavoidable consequence of its refusal to accept the Treaty.

Her Majesty's Government sincerely regrets the position, in which this state of things must place the relations between the two countries; for Her Majesty's Government is fully sensible of the value of that alliance between Portugal and Great Britain, which has subsisted for two centuries, and which has been founded upon the mutual interests of both countries.

But however great must be the regret, which the present turn of this affair would, at all events, have occasioned to Her Majesty's Government, that regret cannot fail to be increased, by a consideration of the time at which, and of the circumstances under which, it has now taken place.

For the British Government, at least, cannot forget, that Portugal has, within the last few years, been rescued, by British assistance, from the despotic rule of a tyrannical usurper; and that without the aid of British auxiliaries, and without the protection of the British Government, she might not now have been in the unmolested enjoyment of constitutional liberty. It cannot indeed but appear an unaccountable circumstance, that, within a few short years after the time, when the Sovereign of Portugal was mainly indebted to Great Britain, for her re-establishment upon her paternal throne, the ministers of that Sovereign should deliberately break the engagements, contracted towards Great Britain by the predecessor of their Royal Mistress; nor can it be deemed less anomalous and strange, that the Portuguese nation, while still freshly enjoying the freedom, which it has so recently acquired, should persist in continuing to consign to slavery the unoffending population of Africa.

The undersigned, &c.

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Paper referred to in the preceding Note.

Viscount Palmerston to the Baron de Moncorvo.

THE undersigned, &c., has received His Majesty's commands, to bring under the consideration of the Portuguese Government, through the Baron de Moncorvo, &c., a matter, which not only His Majesty's Government, but the British nation, have long had most earnestly at heart; and with respect to which, His Majesty's Government think they are entitled to claim the co-operation of Portugal, and cannot permit themselves to doubt that such co-operation will be obtained.

The subject to which the Undersigned is desirous of drawing the attention of the Government of Portugal, is the trade in slaves—a trade which has long been denounced as criminal by all the nations of Europe, but which, to the disgrace of Christendom, still continues to be carried on to a lamentable extent.

England and Portugal are among the Powers, which were the earliest to declare their determination to put an end to this traffic; but very different have been the degrees to which they have respectively followed out, by their acts, the principles which they have both professed.

In England this matter has long excited a deep and general interest; and as early as the year 1806, the two Houses of Parliament addressed the King, "beseeching His Majesty to take such measures, as in his wisdom he should judge proper, for establishing, by negotiating with Foreign Powers, a concert or agreement for abolishing the African Slave Trade."

The Crown, in accordance with this address, entered at once into communication with the several Foreign Powers, with whom Great Britain was then in alliance; and Portugal, the most ancient and intimate ally of England, was the first of the European States with which negotiations were opened.

The Undersigned begs to direct the attention of M. Moncorvo to the points and progress of these negotiations.

In April, 1807, Great Britain made the first overture to Portugal on this subject; and urged her ally, on the broad ground of humanity and justice, to determine to abandon the traffic.

His Majesty's Envoy at Lisbon was instructed to remind the Portuguese Ministers, that "by a concurrence of the majority of the principal maritime nations of Europe, this disgraceful traffic had been prohibited." He was desired to "represent to them the general benefit, which would result from the accession of the Government of Portugal to the fullest extent of the measures, which the British Legislature had finally determined to adopt" on the question; and in case the Sovereign of Portugal "should persist in allowing his subjects to prosecute the traffic," he was to declare, that "His Majesty had an undoubted right to require, that their commercial operations should be confined to their usual haunts, and should not be extended to the tracts of coast, which His Majesty had determined to abandon, and to leave to the undisturbed possession of its native inhabitants."

The Portuguese Minister stated in reply, that "no hesitation would be made by Portugal to give an assurance, in any mode that might be deemed expedient, that Portuguese traders should forbear from those tracts of the coast, where the trade had been abandoned by Great Britain," but that it was "utterly impracticable," at that time, for Portugal to go the length of "abolishing the traffic."

In the following year, 1808, this overture was followed up. Great Britain declared the abolition of the trade to be a necessary link in the ties of friendship, which had so long subsisted between the two Crowns, and which had been cemented by the blood and treasure of Great Britain, spent in the defence of Portugal.

In April, 1808, the British Minister intimated to the Portuguese Court, that "in any Treaty which should contain the final arrangement of the relations between the two countries, he should be instructed to propose an Article, having for its object the gradual disuse, and ultimate, and not distant, abolition of the trade;" and he added, that Great Britain "expected, that so long as that trade should be continued by the Portuguese, they should at least abstain from furnishing slaves to other nations." The British Minister stated, in another communication at that period, that Great Britain was especially anxious, that "the Portuguese Government, if in other places the trade should still continue, would at once abandon the traffic in slaves at Bassio, situate in the midst of a territory, in which the Slave Trade was then nearly disused, and where its continuance interrupted the endeavour to afford to that coast protection and repose."

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In 1809, the negotiation came to a definite result. A Treaty of Alliance was signed between Great Britain and Portugal; and in one Article of that Treaty, the principle of abolition "was recognised in its full extent." This Treaty, indeed, was not ratified by Great Britain, as it contained two stipulations "directly contrary—the one to the fundamental municipal law, and the other to the maritime policy, of Great Britain." But in the following year, 1810, another Treaty between the two Powers was concluded and ratified, the tenth Article of which declared, that "the Prince Regent of Portugal, being fully convinced of the impolicy and injustice of the Slave Trade, has resolved to co-operate with His Britannic Majesty in the cause of humanity and justice, by adopting the most efficacious means for bringing about a gradual abolition of the Slave Trade, throughout the whole of his dominions; and, actuated by this principle, engages, that his subjects shall not be permitted to carry on the Slave Trade, on any part of the Coast of Africa, not actually belonging to His Royal Highness's dominions, in which that trade has been discontinued and abandoned by the Powers and States of Europe, which formerly traded there;" reserving, however, to his own subjects the right of trading in slaves "within the African dominions of the Crown of Portugal," and especially at "Molembo and Cabinda, and in those parts" of the Costa da Mina "*belonging to* or *claimed*" by that Crown.

The important events, which agitated Europe during the following three years, from 1811 to 1814, interrupted the efforts of the British Government for the final abolition of the Slave Trade; but the fortune of war placed a great portion of the western coast of Africa under the immediate control of Great Britain; and, for a time, the Slave Trade in those quarters was practically annihilated.

Upon the re-establishment of peace in Europe, in 1814, the Slave Trade revived; and the Parliament of Great Britain, always on the watch on this subject, and stimulated by the declared sentiments of the people, again "implored His Majesty, that the most strenuous exertions might be made at the Congress, about to be held at Vienna, to obtain from the assembled Powers a general and solemn engagement, under the most binding and effectual sanctions, that this traffic, the foul and formidable enemy of the happiness and civilization of Africa, should, at a definite and fixed period, certainly not more distant than five years, be abolished, utterly and for ever."

Negotiations for the accomplishment of this object were, in consequence, set on foot at the Congress of Vienna.

At this period, the Government of Great Britain endeavoured, by a large and pecuniary sacrifice, to reconcile with the particular interests of Portugal, the humane purpose which Great Britain had in view; and a separate Treaty, framed with that intent, was concluded with Portugal, for the immediate limitation of the trade.

At the same time, the proposition for fixing a definite period for the entire and final abolition was discussed in Congress at Vienna. But, while other European Powers agreed, on that occasion, to abandon the Slave Trade within the time that was proposed, the Portuguese Minister was instructed to attempt to prolong the duration of this inhuman traffic; and on the 20th January, 1815, he objected, on the part of his Sovereign, to the term of five years, as not being sufficiently long; adding however, that His Royal Highness, acting on the Treaty of 1810, "would not refuse to adopt the term of eight years for the final cessation of the trade;" but he qualified even this admission by a declaration, that "the ulterior measures to be taken on this subject, must depend upon the issue of commercial discussions between Great Britain and Portugal."

On the day subsequent to that on which this declaration was made, the Portuguese Minister concluded his separate negotiation with the British Plenipotentiary, by signing the Convention of the 21st January, 1815; and on the following day, the two Ministers also signed a further Treaty on the subject of the Slave Trade.

Under the "Convention," Great Britain, in "consideration of the 'Regulations' to be adopted in the Treaty," consented to pay the sum of three hundred thousand pounds to Portugal: and under the "Treaty," Great Britain "in consideration of the stipulations thereof," further consented to remit all further repayments on a loan of six hundred thousand pounds, which had been made in London, in 1809, for the service of Portugal.

The "Stipulations" and "Regulations" of the Treaty were, that "Portugal should determine, by a separate Treaty, the period at which the Portuguese trade in slaves shall universally cease and be prohibited, throughout the entire Dominions

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of Portugal ;" that, " until such general and final abolition," she would make it unlawful" for her subjects to purchase or trade in slaves upon the Coast of Africa, except those parts only to the south of the Line, which are the " actual or claimed," Dominions of Portugal ; and that she would prevent her subjects from engaging in, and her flag from being used for, that trade, except for the purpose of supplying the trans-Atlantic Possessions of Portugal."

England fulfilled faithfully her part of the Treaty, by the payment of the sums stipulated as the price of the concessions to be made by Portugal But the stipulation entered into by Portugal immediately to limit the trade, and her engagement to fix afterwards, by Treaty, a definite period for its entire cessation, led to no result whatever ; although she joined in the Declaration made on the 8th of the following month, by the Powers assembled in Congress, expressing their concurrent and earnest " desire," to obtain " the universal and definite abolition of the Slave Trade"—and proclaiming it to be " a scourge which has long desolated Africa, degraded Europe, and afflicted humanity."

Two years afterwards, on the 9th of July, 1817, the British Parliament, moved by information received from various quarters, presented an Address to His Majesty, stating " the crime of Slave Trade is carried on with fresh and continually increasing activity ; and the stipulations to put limits to this evil—stipulations purchased by this country at the price of large sacrifices—are constantly and almost openly disregarded:" the address concluded by an earnest entreaty to the Sovereign of this Country, " to leave no effort untried, to bring the present evil to a speedy and immediate termination."

Experience had demonstrated, that the only effectual means of putting down the crime were to be found in arrangements under that general concert, which had been suggested in the Address of Parliament in 1806.

Portugal at length, by an additional Convention with Great Britain, signed on the 28th July, 1817, consented, in a limited degree, to the agreement proposed to her.

By that Convention, Portugal specified the limits, within which the Slave Trade of her subjects should, under the previous Treaty, be considered as lawful.

Those limits, which had previously been described as the " actual" or " claimed" Dominions of Portugal, were, by this Convention of 1817, specified to be those parts in south latitudes, which lie between the 5th and the 18th degree on the western, and between Cape Delgado and Lorenzo Marquez on the eastern coast of Africa.

Portugal, furthermore, by this Convention, granted to British cruizers a right of search ; and gave to a Commission, composed of British and Portuguese subjects, a power to condemn vessels, found actually laden with slaves to the north of the Equator. She reserved to herself the task of preventing the Slave Trade in those parts south of the Equator, in which it was no longer lawful ; and His Most Faithful Majesty specially engaged to promulgate, within two months, in the capital, and as soon as possible in the other parts of his Dominions, " a law, which should prescribe the punishment of any Portuguese subjects, who might in future participate in an illicit traffic in slaves."

The law promulgated in Portugal on the 26th of January, 1818, in pursuance of this stipulation, denounced punishment on those Portuguesese subjects only, who traded in slaves to the north of the Equator, and omitted any mention whatever of those other illegal traders, the punishment of whom Portugal had specially reserved to herself; and as far as the British Government is aware, no penalty has, up to the present moment, ever been extended to Portuguese subjects, slave-trading south of the line, or elsewhere beyond the limits permitted by the Convention of 1817.

By a separate Article, signed 11th September, 1817, the two High Contracting Parties agreed, " as soon as the total abolition of the Slave Trade for the subjects of Portugal shall have taken place, to adapt to that state of circumstances the stipulations of the additional Convention of the 28th July, 1817, and that, in default of such alterations, that additional Convention shall remain in force, until the expiration of fifteen years from the date of the abolition by the Portuguese Government."

In the Congress, assembled at Aix-la-Chapelle, in 1818, the Portuguese Plenipotentiaries were again urged to fix the time, when the Slave Trade should be abolished by Portugal; but the Portuguese Plenipotentiaries required, as an indispensable condition of the final abolition," that His Britannic Majesty should make such a change in the system of commercial intercourse between Great Britain and

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Portugal, as, according to the declaration of the British Minister, amounted to "sacrifices on the part of a single Power, which one State could not expect of another, as an indispensable condition of a general measure having for its object the good of humanity alone."

The principal Powers of Europe, whose representatives were assembled in that Congress, concurring in the opinion thus expressed on the part of Great Britain, addressed simultaneously, and in concert, a letter to the Sovereign of Portugal, beseeching him to fix a time when "Portugal would ensure the triumph of the Declaration of the 8th of February, 1815, by means of an Act, decreeing the abolition of the Slave Trade in all parts and for ever."

This endeavour was unavailing. The King of Portugal declined to accede to the wishes of the Sovereigns, alleging that, by such a step, he should revolt the opinions of the proprietors in the colonies, and inflame the minds of the slaves themselves."

The British Parliament, steadily bent upon abolition, again addressed the King on the 7th of July, 1819. They observed, that "one Power alone, (meaning Portugal) "has hitherto forborne to specify the period, at which the traffic shall be absolutely abandoned," and they urged His Majesty to "renew his endeavours for the attainment of that object."

In the next year the British Government made another effort, by offering to revise an Article in the Treaty of 1810 favourable to Great Britain, provided Portugal would fulfil the expectations she had held out in 1815, that her trade in slaves should be abolished in 1823.

The sacrifice, thus offered by Great Britain, was declared by Portugal to be insufficient; and all that could be obtained from her was a general and vague assurance, "that His Most Faithful Majesty would always adhere faithfully to the engagements he had contracted, and to the principles he had professed, on this head."

But these professions produced no practical results; and the Slave Trade of Portugal flourished as much as ever, and was aided by the connivance and encouragement of the officers of the Government.

In the year 1819, evidence was obtained, tending to prove that a Portuguese vessel, the "*Nova Felicidade*," detained for slave-trading, had been equipped by the Portuguese Governor of Princes Island.

Representations were repeatedly made by Great Britain against these and other similar infractions of the Treaties; but the delinquents went unpunished, and the illegal trade went on.

In September, 1820, in order to check the evil, a stipulation was proposed to Portugal, by which a slave-vessel might be condemned, without having any slaves on board at the time of detention, if any slaves had been on board of her, during the voyage, in the course of which she was detained.

This stipulation was not agreed to.

In 1821, His Majesty's Envoy to the Court of His Most Faithful Majesty was instructed to make a fresh effort, to obtain a general prohibition of the Slave Trade, throughout the dominions of Portugal; represented as being the "only one of the Powers who were assembled at Vienna, which still upheld and legalized this inhuman traffic."

This effort was ineffectual.

In the year 1822, the Commissioners at Sierra Leone reported facts, established by evidence, proving, as they observed, "that the trade was carried on, by means of combined arrangements and co-operating parties, at the Cape de Verd Islands, Bissao, and Cacheo, including persons holding the highest stations, and principally charged with the maintenance of the laws of their country, and the treaties of their Sovereign, at each of those places."

Amongst the persons specially implicated in these transactions, were the Governors of the Cape de Verd Islands, of Bissao, and of Cacheo.

Soon afterwards Brazil declared her separation from Portugal; and in the latter end of 1822 the British Envoy at Lisbon reminded the Portuguese Government, that Great Britain had a right, under Treaty, to require from Portugal the abandonment of the Slave Trade; whenever she should no longer have any transatlantic dominions for which to continue it; and the British Envoy formally declared the resolution of His Majesty's Government, "to exercise the rights which might accrue to it under the Treaty, from the change in the relations between Portugal and Brazil."

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The Portuguese Minister replied, that this declaration was at any rate premature; and he still expressed and defended a wish that, even in the contemplated contingency of a separation of Brazil from the mother-country, the Slave Trade might be continued by Portugal, as a lucrative branch of commerce.

An officer of high character in His Majesty's navy, who at that time visited the islands of St. Thomas and Princes, stated in an official Report, that "in both those islands, every person, without exception, from Ferara Gomez, the Governor, to the lowest free black, was engaged in Slave-Trade adventures, in some way or other."

In March, 1823, Portugal so far relaxed from her adherence to the Slave Trade as to agree to the stipulation, by which a slave-vessel might be condemned on account of her having had slaves on board, during the voyage in the course of which she was captured.

It was then becoming more and more probable, that Brazil would obtain from the mother-country a recognition of her independence; and Count Palmella, early in the following year, declared to Sir E. Thornton his disposition to consent at once to the total abolition of the Slave Trade, adding that "Portugal could have no interest in it, in case of the independence of Brazil."

A formal representation was immediately made by Great Britain to Portugal, expressing the "gratification of His Majesty" at these sentiments, and stating the readiness of the British Government, to enter immediately into negotiation for the abolition of the trade by Portugal, who now stood "single among civilized nations" in the maintenance of the commerce.

The Portuguese Minister observed in answer, 11th September, 1824, that, "the dispositions of his Government, which he had already made known, in respect to the abstract measure of the abolition, had not varied; but that at the moment, and in the actual disturbed state of Brazil, the abolition of the traffic would be ill-timed;" and he gave a verbal explanation of that last expression, by saying, that the abolition on the part of Portugal would be "a virtual acknowledgment of the independence of Brazil."

The independence of Brazil having at last been acknowledged by Portugal, His Majesty's Ambassador at Lisbon was instructed, in September, 1826, "to obtain from the new Minister for Foreign Affairs a written pledge for the concurrence of his Government, in a stipulation for the final and total abolition of the Portuguese Slave Trade."

The Portuguese Minister, Don F. D'Almeida, in reply to this appeal, declared, October 2nd, 1826, in a note to Sir William A'Court, "that the Portuguese Government acknowledged, that the moment was come to put an end to the inhuman traffic in slaves, and that, consequently, it would have no objection to insert in the treaty," then in contemplation between Great Britain and Portugal, an "Article, by which His Most Faithful Majesty should bind himself, not only to the total abolition of the Slave Trade in the dominions of Portugal, but also to co-operate with His Britannic Majesty for the total extinction of so barbarous a traffic in the countries where it unfortunately exists.

In furtherance of this declaration, the Portuguese Minister, at the close of the Session, in December of that year, laid before the Portuguese Chambers the project of a law "for the abolition of the infamous Slave Trade."

The British Government, did not learn, that the law so proposed ever made any progress in the Portuguese Chambers.

A consideration of the internal difficulties in which Portugal became involved, withheld His Majesty from pressing, for some years after that time, the conclusion of the promised compact. But the declarations of the authorities of Portugal against the trade, checked for a time the progress of the evil.

Accounts, however, reached His Majesty's Government, that the Cape de Verd Islands still continued to afford shelter to the illegal traffic in slaves; and that the authorities in those islands encouraged it by granting passports, by means of which large quantities of slaves were annually imported into those islands from Bissao, Cacheo, and other places.

The pretence, under which these importations took place, was, sometimes that the slaves were domestic servants, and at other times that they were to be employed in a fishery.

These accounts were transmitted to the Government of Portugal; promises were made, that the offenders should be punished, and the practice be prevented; and the Portuguese Slave Trade fell off during the two or three following years.

But statements, received in 1831, showed, that the Portuguese settlement of

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Cacheo "continued a notorious slave-mart, and afforded large supplies of slaves, to undiminished numbers of slave-vessels." In the case of the "*Rosa*," six bills of lading of slaves, signed by one resident at that place, were brought at one time to the notice of the Commissioners at Sierra Leone. The "*Nympha*," slave-trader, came out regularly armed, and, giving battle to the cruizers, actually attempted to take them. The "*Hebe*," slave-vessel, started for the trade from the very capital of Portugal.

Her Majesty's Government, through the British Agent at Lisbon, communicated these facts to the existing Government of Portugal, reminded them of the engagements of their country, and called upon them to issue a Declaration, "announcing the final and total abolition of the trade, and their determination to suppress it, according to the terms of the additional Article to the Treaty of 1817."

No answer whatever was given to this representation, although the Government of Portugal was more than once pressed upon the subject, by His Majesty's Agent at Lisbon.

In December of 1832, Great Britain urged Portugal, as well as all the other Powers, who by treaty have stipulated for the condemnation of slave-vessels, to agree to the breaking-up of vessels so condemned.

The Portuguese Government replied, that it would abide by the decision, to be taken on this subject by other nations similarly situated; and that it would ascertain the determination of those Governments, and give, in common with them, a decisive answer.

Other Governments have agreed to the stipulation; but the decisive answer, promised by Portugal, has not yet been received.

In 1834, His Majesty's Commissioners at Sierra Leone, in transmitting their account of the cases of Slave Trade, which had recently been brought before them, observed, that "the traffic in slaves under the Portuguese flag appears now to be carried on, to as great an extent as it was before Brazil ceased to belong to Portugal;" that "thirty Portuguese vessels were a short time past engaged in slaving, in the Bights of Benin and Biafra, and in the rivers emptying themselves therein;" that "the destination of these vessels would be to Cuba;" and that "to the flag of Portugal has thus been transferred the carrying of slaves, which had been so successful under that of other powers."

The conclusion, thus drawn by the Commissioners, was supported by facts stated from other quarters.

His Majesty's Government then felt it to be its imperious duty, to press the Government of Portugal to fulfil the promise, made in 1826, by agreeing to positive stipulations with this country, for the entire suppression of the Slave Trade of Portugal.

A draft of a treaty for the total extinction of Portuguese Slave Trade was sent out in September, 1834, to His Majesty's Envoy at Lisbon, who was instructed to state to the Portuguese Minister, that His Majesty's Government "could not doubt that the Government of Portugal would be eager to redeem its various pledges, by the conclusion of such a Treaty."

For nine months, the Treaty remained unnoticed in the hands of the Government of Portugal; and His Majesty's Envoy was never able, during that period, to induce the Portuguese Minister to enter upon the consideration of the proposed measure.

The Commons House of Parliament in May, 1835, addressed the King, praying His Majesty to press upon his allies those stipulations, which were essential to the suppression of the trade; and they specially called His Majesty's attention to the "conduct pursued by the Government of Portugal, which was bound, not only by the most solemn treaties, but by the receipt of large sums of money, and by the remission of debts due to this country, totally to abolish this nefarious traffic;" and they "besought His Majesty to revise those treaties, in order to make one solemn league or treaty," wherein should be contained stipulations for the condemnation of vessels equipped for Slave Trade, for an extension of the right of search, for the effectual destruction of every condemned slave-vessel, and for a declaration that Slave Trade shall be piracy.

His Majesty's Envoy at Lisbon was instructed to communicate this address to the Portuguese Government, and earnestly to urge the immediate signature of the treaty.

In answer to this communication, the Duke of Palmella, on the 10th of July, 1835, consented at length "to enter on the consideration of the new treaty;"

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"giving by this means," as the Duke observed, "its true interpretation to that which was stipulated by the Convention of 1817.

The Duke further declared, on the 23rd of September, 1835, the utmost readiness on the part of the Government of the Queen to accede to all proposals for the more effectual suppression of the trade; and the Marquis of Saldanha assured His Majesty's Envoy a few days afterwards, that "he was perfectly ready to consent to the entire abolition of the trade."

These declarations were followed by the Circular of the 22nd of October, 1835, to all Portuguese functionaries, stating that the Convention of 1817 had declared illegal "all traffic carried on by Portuguese subjects *on the coast of Africa*, with exceptions, which have no longer any weight, now that the Brazils have ceased to form a portion of the Portuguese monarchy;" and reminding those functionaries that the Slave Trade, now carried on under the Portuguese flag, is but for the supply of other powers, and is forbidden by laws, promulgated in Portugal so long ago as the year 1761.

Finally, the Marquis de Loulé, in his note to Lord Howard de Walden, of the 12th of December, 1835, gave the assurance, that "the Government of Her Most Faithful Majesty will persevere in their efforts to extinguish the Slave Trade, wherever they find it."

The Undersigned will now briefly state the degree to which this trade is carried on by Portugal, in spite of all the stipulations, and in the face of all the assurances, which he has just recited.

Not one single restriction, which Portugal has stipulated by Treaty to impose upon the Slave Trade, has as yet taken effect; not one of her own laws against the trade has yet been put in force; not one of the professions of her Government has been followed up by acts, giving proof of the sincerity of her declaration.

The trade exists in all its enormity in those very places where, in the year 1807, Portugal was urged to suppress it, and where, in her earliest compact with Great Britain, she agreed to put an end to it; and it has actually broken out in new and additional channels.

All along the coast of Africa, north as well as south of the line; all along the coast of Brazil; all round the Island of Cuba, wherever a slave is to be bought or sold, vessels with the Portuguese flag are ready to commit the crime. Nor has the capital itself of Portugal been, in the last year, free from these undertakings.

It is not for the colonies of Portugal, it is not for any part of the Portuguese dominions, that the trade is thus carried on. No national interest can now be pleaded as a motive for the perpetration of the offence.

The ships of Portugal now prowl about the ocean, pandering to the crimes of other nations; and when her own ships are not sufficiently numerous for the purpose, her flag is lent as a shield to protect the misdeeds of foreign pirates.

The Ministers of Brazil, in a formal representation recently made to the Portuguese Government, have declared, that the difficulty now experienced by the Brazilians in suppressing the Slave Trade in their own country arises mainly from the guilty practices of the Portuguese authorities, in allowing Brazilian vessels to hoist the Portuguese flag, in order to cover slave-trading adventures.

At St. Paul de Loanda, the Portuguese vessel "*Maria da Gloria*" was furnished with a certificate and manifest from the customs, stating that her cargo consisted of gum-copal, hides, and mats, "and that this was a true and correct account" of the cargo of the vessel. The master gave bond to the authorities, that "he would not take away any person whatever from the place, without the permission of the Governor." The Governor granted to the vessel a "licence to depart without hindrance from the forts;" and a passport, enjoining all allies of "Portugal not to molest her in her voyage."

The vessel thus protected cleared out; and, according to the master's own words on deposition, immediately "shipped 432 negroes from the shore at Loanda, after the said vessel had cleared the shoals at the mouth of the port."

Thirty-two vessels laden with slaves rode at one time at anchor in the bay, trusting, in insolent security, to the unmerited respect shown by the British cruisers to the flag of Portugal.

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The practice of transporting slaves from the African coast to Princes Island and to the Cape de Verd Islands, on various pretexts, has never been relinquished. The vessels used for this purpose are so little adapted for the cargoes they receive, the slaves are so crowded in them, and are subjected during the passage to such complicated sufferings, that, even if the trade itself were legitimate, the way in which it is carried on would deserve the severest condemnation.

The authorities at Princes Island give such ready connivance to this trade, that all the Portuguese slave-vessels which, during the last year, have been carried into Sierra Leone, were found to have on board papers from those authorities, allowing the vessels to trade to the Costa da Mina, the place where they had taken in their illegal cargoes.

At Whydah, the most powerful Portuguese merchants, and among others the noted "De Souza," are acknowledged slave-agents, carrying on this trade openly and with impunity.

At Cacheo, slaves are embarked in sight of the local authorities.

At Bissao, where, even in the earliest stage of the negotiation, Portugal agreed to suppress the Slave Trade, the very Governor himself last year loaded the "*Felicidad*" with African slaves, for the Cuba market.

The cruelty with which the Trade is carried on has not been lessened in these latter days. It has been stated, during the very last year, that "in these slave-ships hundreds of negroes are, during long voyages, crammed into spaces far too small to contain them without the greatest degree of bodily suffering; that the slave-traders, when chased, are in the habit of throwing overboard into the sea those negroes, whose health has broken down under the torture of their confinement; and that, in order to lighten their ship and facilitate their escape, they actually drown such of their cargo, as are not likely to be profitable for sale in the market to which they are going."

These assertions are borne out by evidence, now before the Portuguese Government. Yet the persons who commit these enormities remain unpunished, and continue in the exercise of authority; and the Portuguese Government itself declares, that the trade so carried on has been prohibited by a law, promulgated in Portugal so far back as the year 1761.

Great Britain cannot any longer be satisfied with the professions, the declarations, or the unexecuted laws of Portugal on this subject. The result proves, that nothing will put the trade down but a power given to search, to condemn, and to destroy all vessels which may be found engaged in or equipped for Slave Trade, under the Portuguese flag, or for Portuguese account, and in any part of the world.

The Undersigned is willing to believe, that he may understand the recent declarations of the Marquis de Loulé, as expressing the determination of the Government of Portugal to fulfil its engagements, by concluding this long looked-for compact.

Yet still the negotiation lingers; and every proposition, which has as yet been brought forward by Portugal, in the course of these negotiations, even up to the present day, has had for its object to weaken the force of stipulations, proposed by Great Britain for the extinction of the trade.

The Undersigned, in closing this long and painful recital, feels that the facts which he has enumerated speak so forcibly, as to require no additional comments.

He simply, but earnestly, entreats the attention of the Government of Portugal to the circumstances he has detailed; and he implores, in His Majesty's name, Her Most Faithful Majesty not to delay to redeem the honour of Portugal, by concluding this long-promised Treaty.

The Undersigned avails himself of this occasion, to renew to the Baron de Moncorvo the assurances of his distinguished consideration.

(Signed) PALMERSTON.

Foreign Office, April 30, 1836.

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No. 54.

Lord Howard de Walden to Viscount Palmerston.—(Received April 23.)

(Extract.) *Lisbon, 15th April,* 1839.

Viscount de Sá da Bandeira, having proposed to Count Reventlow, the Chargé d'Affaires of Denmark, to open negotiations with him for a Treaty between this country and Denmark, for the abolition of the Slave Trade, as reported in my Despatch of the 7th instant, the Count has addressed a note to the Viscount de Sá da Bandeira, desiring to know the specific basis on which His Excellency proposes to treat.

I enclose a copy of a note from Count Reventlow, in which he communicates to me the note he has addressed to the Viscount de Sá da Bandeira on this subject.

Enclosure in No. 54.

(Translation.) *M. Reventlow to Lord Howard de Walden.*

My Lord, *Junqueira, April 15th,* 1839.

I take the liberty to transmit to you herewith the copy of a note, which I have thought it right to address to the Viscount de Sá da Bandeira, to ask for some explanation as to the overture which he made to me the other day, and the details of which I had the honour to communicate to you.

I am, &c.
(Signed) REVENTLOW.

Lord Howard de Walden,
&c. &c. &c.

Sub-Enclosure in No. 54.

M. Reventlow to Viscount de Sá da Bandeira.

(Translation.)

Conformably to the invitation which His Excellency the Viscount de Sá da Bandeira, President of the Council of Her Most Faithful Majesty, and her Minister for Foreign Affairs, has made to the Undersigned, Chargé d'Affaires of His Danish Majesty, in the last conference which they had together, the Undersigned hastened in the first place to inform his Government of the desire of the Portuguese Government to conclude a Convention with the Court of Copenhagen, which should regulate the co-operation of the two nations in the final suppression of the Slave Trade.

The Undersigned therefore prays His Excellency to inform him if, in making this proposal, he has adopted as the base of the negotiations the principles hereafter laid down.

1st. The abolition of the trade for ever;
2nd. The reciprocal right of search, without limits as to its duration; and
3rd. As extended in its exercise as it is between England and Spain.

The Undersigned, &c.
Junqueira, 13th April, 1839. (Signed) REVENTLOW.

His Excellency the Viscount de Sá da Bandeira,
&c. &c. &c.

No. 55.

Viscount Palmerston to Lord Howard de Walden.

My Lord, *Foreign Office, April 27th,* 1839.

I transmit herewith to your Lordship a note, which I have to desire that you will present to the Portuguese Minister for Foreign Affairs, in reply to the note which was addressed to Mr. Jerningham on the 6th October, 1838, by

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Viscount de Sá da Bandeira, and which contained observations upon the note addressed to His Excellency by Mr. Jerningham on the 1st of August preceding, enclosing an amended Project of Treaty between Great Britain and Portugal, for the entire suppression of the trade of Portugal in slaves.

You will find the enclosed note written out ready for delivery. You will have a copy made of it, to be kept in the archives of Her Majesty's Mission in Lisbon; and, after signing the enclosed original, with the date filled up, you will transmit it without delay to the Portuguese Minister.

Your Lordship, in acknowledging the receipt of this Despatch, will have the goodness to state the date, which you shall have affixed to the note which is enclosed in it.

I am, &c.
(Signed) PALMERSTON.

The Lord Howard de Walden,
&c. &c. &c.

Enclosure in No. 55.

Draft of Note to be presented by Lord Howard de Walden to the Viscount de Sá da Bandeira.

THE Undersigned, &c. has been commanded by his Government to make the following observations, upon the note addressed to Mr. Jerningham by the Viscount de Sá da Bandeira, &c. on the 6th of October, 1838, in reply to the note of the 1st August preceding, by which Mr. Jerningham transmitted to Viscount de Sá an amended Draft of Treaty between Great Britain and Portugal upon Slave Trade.

The Viscount de Sá prefaced his observations on that Draft, by referring to certain stipulations, which M. de Sá had inserted in a Draft of the Treaty sent in by His Excellency in May, 1837, and with respect to which he remarked, that as those stipulations had been admitted in the Conventions concluded between Great Britain and France, "there existed every reason to hope, that they would not fail to obtain the assent of the British Government in a Treaty with Portugal."

But France and Portugal stand, in respect to Slave Trade, in such different positions, that no parallel can be drawn between those countries on that subject. For France has entirely ceased to carry on the Slave Trade, while Portugal is the great protector of it; and while cases of Slave Trade may be safely left to the jurisdiction of French tribunals, it would be a mere mockery to refer such cases to the tribunals of Portugal.

The Undersigned proceeds to the observation next made by M. de Sá, that the Undersigned and himself had already come to an agreement, not only with regard to the several stipulations contained in the Draft of Treaty brought home by the Undersigned, but also as to the contents of its three Annexes; excepting only a stipulation required by M. de Sá, which was, to bind Great Britain to guarantee the safety of the African possessions of Portugal.

The Undersigned undoubtedly took home, for the consideration of his Government, that incomplete Draft of Treaty. But he did not agree to it; nor could he have agreed to it, because he was not authorized to do so, and because he could not have done so consistently with the tenor of his instructions.

M. de Sá, in his note, expressed himself as still anxious to obtain a guarantee, and founded his main argument for it upon the fact, that although the Slave Trade has been abolished by law throughout all the dominions of the Crown of Portugal, yet nevertheless slaves still continue to form one of the principal branches of exportation from the Portuguese colonies.

The British Government have only to remark upon this statement, that it has rarely happened, that any country has had cast upon it, by its bitterest enemies, an imputation of a deeper dye than that which is thus fixed upon Portugal by this admission on the part of its own Government. But the British Government can certainly not be expected to admit such a consideration as this to be a reason, for agreeing to give the guarantee which has been asked for.

M. de Sá declared in his note, that the signature of the Treaty was only prevented by the impossibility of finding time to copy out the Treaty and Annexes, before the time fixed for the departure of the Undersigned; which, as His Excellency observed, had already been delayed two weeks, in the hope of bringing the negotiation to a satisfactory issue.

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But the Undersigned has to refer M. de Sá to His Excellency's private note of the 12th May, requesting the Undersigned to concede that delay.

The reason which Viscount de Sá assigned in that note for the requested delay, was a desire to obtain time, not in order to copy out a Treaty already agreed upon, but in order to endeavour to come to an agreement on the points, respecting which differences then existed; and five such points are stated in that note:—

1st. The demand on the part of Great Britain, that Slave Trade should be declared piracy.

2nd. The question, What should be the places at which Mixed Commissions should sit?

3rd. What should be the geographical limits of the right of search?

4th. What should be the duration of the Treaty? And,

5th. Whether any guarantee should be given by Great Britain for the Portuguese colonies?

M. de Sá stated further, in that note of the 12th May, 1838, that in the course of a week he hoped to have overcome those difficulties. But, at the end of a fortnight, the Undersigned was informed, that the project of Treaty must again be submitted to the Council of Ministers; that the declaration which had been promised to the Undersigned on the question of piracy was not prepared; and that a more precise assurance was required, than that which the Undersigned had proposed, on the subject of assistance to be given to Portugal, against any of her colonies which should resist the execution of the Treaty.

Then it was that the Undersigned felt, that he should not be justified in any longer delaying his departure.

M. de Sá, in a note written on the 30th of May, subsequently to the departure of the Undersigned from Lisbon, stated that he had assured his Sovereign, that if the Undersigned had but remained two or three days longer at Lisbon, the difficulties which obstructed the progress of the negotiation would have been got over, and the Treaty would have been concluded. But, even in that note, His Excellency insisted on a guarantee for the Portuguese colonies; and refused to declare Slave Trade piracy.

It has now, however, become clear, from subsequent communications, that if the Undersigned had delayed his departure even to the present moment, he would not have succeeded in obtaining the signature of the Treaty. And he is here instructed by Her Majesty's Government, once for all to protest against the attempts, so often made in the note of Viscount de Sá, to represent, that proposals which were made by Viscount de Sá, and which the British Government never could have for a moment entertained, ought to be looked upon as stipulations, agreed to between the two Governments or their Plenipotentiaries.

M. de Sá, in his note, complained of the differences, which exist between that draft of Treaty which was discussed between the Undersigned and the Duke of Palmella in 1815, and the several British drafts subsequently sent out to the Undersigned, and discussed by him with M. de Sá.

The first of these differences consists in the omission of the two words "de facto" in the preamble. These words appear to be unimportant; and they were accordingly omitted in the draft sent out to the Undersigned in March, 1838, and communicated to M. de Sá in April, 1838; but, at the desire of the Portuguese Minister, they were reinserted in the draft sent out in May following, and communicated to M. de Sá in the same month.

The second difference consists in the omission of the following words:— "Consent already stipulated by the;" which words formed a portion of the Fourth Article of the draft of Treaty which, as altered by the Duke de Palmella, and as acceded to by Her Majesty's Government, was proposed to M. de Sá by the Undersigned.

This omission, if it exists, must have been the consequence of an error of the copyist. For the words, said to be omitted, are found in the copy, which is in the possession of the Undersigned, of that draft of Treaty, which was sent to M. de Sá in April, 1838; they are found in the copy furnished to the Undersigned, and presented to M. de Sá in May, 1838; and they are found in the amended draft sent out to Mr. Jerningham in July, and transmitted to M. de Sá in August, 1838.

The third difference complained of is, that in the Sixth Article of the Bri-

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tish drafts, discussed with M. de Sá, the word "compensation" is substituted for "indemnification." On this alteration the Undersigned has only to remark, that this preference of one English word for another does not, as Viscount de Sá supposes, make any difference in the meaning of the stipulation.

The fourth difference, mentioned by M. de Sá, is the insertion of a provision in the Eighth Article of the amended draft, discussed by the Undersigned with M. de Sá, authorising the British Commissioners at Rio de Janeiro to try Portuguese vessels detained for Slave Trade, provided that no Portuguese Commissioners should be resident at Rio, and provided that the Brazilian Commissioners should refuse to try such vessels. But upon this it is to be observed that, without some stipulation of this kind, Portugal might practically annul the Treaty by not appointing Commissioners; and the effect of this proposed provision is, therefore, not to impose a humiliation upon Portugal, but to prevent the Portuguese Government from defeating, by indirect methods, the stipulations of the Treaty.

The fifth difference, mentioned by M. de Sá, is the restriction, which the Ninth Article of the last-mentioned draft puts upon the transport of slaves from one Portuguese possession to another. But it is obvious, that this restriction was absolutely necessary, in order to prevent fraudulent evasions of the stipulations of the Treaty.

The next difference mentioned is, that in the Twelfth Article of the amended draft discussed by the Undersigned with Viscount de Sá, a clause is omitted, by which the Commissioners of the Mixed Courts might pay, out of funds proceeding from seizures, a sum for demurrage, for vessels which might be detained on account of equipment for Slave Trade, but not be afterwards condemned.

This clause was omitted, because the funds in question would not be properly applicable to such a purpose. The Treaty provides, that in the case of each vessel seized and condemned, the funds proceeding therefrom shall be subject to such expenses only as belong to the case; and if the clause in question were inserted in the Treaty, the result would be, that the proceeds of one vessel would be improperly applied, to pay expenses on account of another vessel.

The seventh and last difference is, that the British drafts do not contain an article, which had been prepared by the Duke of Palmella, stipulating for the revision of the Treaty at the end of ten years; without which article M. de Sá observes, the Treaty would be perpetual.

To this the Undersigned has to reply, that it was always meant that the proposed Treaty, like all other Treaties for the suppression of the Slave Trade, should be unlimited in duration; because, as the intention of the Contracting Parties must be assumed to be, that the object which the Treaty is to accomplish shall be permanently attained, it follows, as a matter of course, that the means by which that object is to be secured ought to be permanent also; and the Undersigned is instructed to remind the Portuguese Government, that in 1835, the Marquis de Loulé, then Minister for Foreign Affairs, expressly gave up any limitation as to the duration of the Treaty.

The British Government conceives, that the preceding observations furnish a sufficient answer to the complaints of Viscount de Sá, as to the differences which His Excellency has pointed out, between the draft which was discussed with the Duke de Palmella, and the drafts which were subsequently discussed with Viscount de Sá.

The observations of the Viscount de Sá upon those drafts of the Treaty, which the Undersigned has discussed with the several Ministers of Portugal, at different times, up to the period of his departure last year for England, were in His Excellency's note followed up by observations upon that amended draft of Treaty, which was presented in August last by Mr. Jerningham.

His Excellency stated, that the total abolition of the Slave Trade of Portugal must be considered as dating from the Decree of the 10th December, 1836, and that as the Separate Article of the 11th September, 1817, states, that, whenever the Portuguese Slave Trade shall have been finally abolished, the two parties shall adapt to the then altered state of things the Convention of July, 1817, and that if they should not come to an agreement on that matter, that Convention shall continue in force for 15 years, after the period of the total abolition; therefore, any modifications which Portugal might, from and after the 10th December, 1836, admit to be made in the

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stipulations of the Convention of 1817, must be considered as so many concessions made to the British Government.

But this reasoning is founded upon a perverted interpretation of the Separate Article, which can only mean, that, if, in the case assumed, the two Governments should not be able to agree upon a new modelling of the stipulations of the Convention of 1817, with reference to that altered state of circumstances, which was expected to arise out of a complete and total abolition of the Slave Trade of Portugal, then, and in such case, the arrangements, provided for the suppression of that trade by the Convention of 1817, should remain in force for 15 years after the abolition of the Portuguese Slave Trade; but it would imply a manifest contradiction between language and intention to suppose, that the meaning of the Separate Article was, that the stipulations of the Convention of 1817 should continue to be confined to the Portuguese Slave Trade north of the Line, when that trade should have become illegal south of the Line also. On the contrary, the plain intention of the Contracting Parties to that Separate Article must be held to have been, that if, after the total and *bonâ fide* abolition of Portuguese Slave Trade, they should not be able to agree upon any new system of arrangement, to enforce the continued suppression of that trade, the system of mutual search, and of trial by Mixed Commissions, established by that Convention, should, at all events, remain in force for the period of 15 years. But, upon this point, the Undersigned is instructed to observe, that, although the Slave Trade of Portugal became illegal by the law of Portugal, on the 10th December, 1836, that trade has not yet in practice been either totally or even partially abolished.

M. de Sá made it a subject of remark that, in the preamble to the amended draft of Treaty presented by Mr. Jerningham, the epithets "barbarous" and "piratical" were applied to the Slave Trade. But as he did not state, that he considered these epithets as unjustly applied, the British Government does not see the force or the drift of that remark.

M. de Sá also expressed a wish, that in the Treaty a description should be given of those other persons, not being negroes, whose transportation from Africa, for the purpose of consigning them to slavery, should be deemed by the Treaty to be piratical. But in answer to this the Undersigned is instructed to request, that Viscount de Sá would explain what and who those persons are, whose transportation from Africa for the purpose of consigning them to slavery, the Portuguese Government wishes, by the Treaty, to legalise and sanction. For the British Government, is not aware, that there are any persons in Africa, whom it would not be a barbarous and piratical act so to carry away, in order to consign them to slavery.

His Excellency also complained that, in the preamble of the amended draft of the Treaty, a distinction is recorded between the period at which Slave Trade was abolished in Portugal, and the period at which it was abolished by Great Britain, making thereby a contrast between the promptness of England and the tardiness of Portugal in this respect. But the correctness of the dates cannot be disputed; and the recital being merely a record of historical facts, Her Majesty's Government cannot see any just ground upon which its insertion can be objected to.

Viscount de Sá also stated, that Portugal has made earlier and more extraordinary sacrifices to promote the abolition, than any other Power.

Her Majesty's Government, upon this point, can only say, that, not being aware what those sacrifices are, they regret, that Viscount de Sá should have omitted to enumerate them.

Viscount de Sá, referring to that part of Article II. in the amended project of Treaty which forbids any search of vessels of war, complains that, in the Article which gives the power to search other vessels, the term "merchant-vessel" is not expressly used. But this omission was made, in order to avoid redundancy of expression; for, as ships of war are specifically excepted from liability to be searched, it is obvious, that they cannot be included by the generality of the term "vessels;" and therefore it is not necessary to prefix to the word "vessels" the limiting designation of "merchant," for the purpose of preventing the general term "vessels" from including ships of war. But there is a further objection to employing the term "merchant-vessels," instead of the word "vessels;" and that is, that a quibble might be founded thereupon, and slave-ships, taken under certain circumstances, for instance, at a moment

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when they happened not to have any cargo actually on board, might contend that they were not "merchant" vessels.

His Excellency further went on to contend, that the two Governments ought to communicate to each other, every six months, the names and force of the ships employed in preventing Slave Trade, and the names of their first and second commanders; but such an interchange of statements would be wholly useless. It could only be meant, for the purpose of informing each Government, from time to time, what officers were on board, or in actual command, of the ships employed in the suppression of Slave Trade. But the first and second commanders of these small vessels are continually changing, and the two Governments could not become acquainted with those changes, until many months after they had taken place. Thus the information to be interchanged by the two Governments, at fixed periods, would be of no value whatever, because it would always refer to a period of time many months antecedent, and would never be a correct statement of facts existing at the time when the communications were reciprocally made; therefore, the draft of the Treaty, being prepared so as to comprise only such stipulations as would be useful in practice, did not contain the provision in question.

His Excellency complained that, by Article 3 of the amended draft, the commander of a convoy, when making a search, is to be accompanied by the commander of the cruizer, instead of his making the search alone, as Viscount de Sá would wish to be stipulated. But the arrangement thus objected to is taken from the Treaty concluded between Great Britain and Spain, in 1835, and is well calculated to prevent any laxity or connivance on the part of the commanders of convoys.

M. de Sá remarked that, in the 4th paragraph of the 3rd Article of the amended Draft, the prohibition to visit vessels in any port or roadstead is not extended to vessels in a "bay;" and that it applies only to ships at anchor. But the whole paragraph, including the limitation to ships lying at an anchor, was suggested by M. de Sá himself, in that draft of his own, which he so much recommended in his note. The only alteration made in this stipulation by the amended Draft, was the omission of the word "Bay," which it seemed proper to leave out; because, while on the one hand the words "port and roadstead," imply a frequented anchorage, under the superintendence and control of constituted authorities, who can exercise some kind of jurisdiction over such anchorage, and with whose jurisdiction the cruizers ought not to interfere; on the other hand, the word "bay" implies, or, at least, may include, unfrequented places on the coast, far away from the control of any legal authorities, and to which slave traders might be likely to resort, for the purposes of their trade.

His Excellency complained, that Article 5 of the amended Draft does not contain a clause that no stipulation in the Treaty shall be considered as impeding the free communication between the various possessions of the Crown of Portugal in Africa; and he also complained, that those Portuguese possessions are not enumerated in that Article.

But the clause on the subject of free communication was omitted, because it was redundant and useless; and the enumeration of the possessions of the Crown of Portugal in Africa was omitted, because it does not belong to Great Britain to determine by Treaty with Portugal, what those possessions are; and, at all events, the determination and enumeration of those possessions is a question of territorial right, and has nothing to do with a Treaty against Slave Trade.

The Treaty, if concluded, would have applied to all the possessions of the Crown of Portugal, but it forms no part of the objects to be accomplished by the Treaty to determine which parts of Africa do or do not belong to Portugal.

His Excellency next complained of the omission of a stipulation, which was contained in the convention of the 28th of July, 1817, to the effect, that a vessel having negroes, borne as part of the crew, should not, on account of the presence of such negroes on board, be liable to detention. But that clause was intentionally omitted, because the insertion of it would afford a pretext, upon which endeavours might be made to defeat the objects of the Treaty.

His Excellency complained that, in the amended Draft, restrictions are introduced on the passage of negroes from one part of the Portuguese dominions to another. But these restrictions are obviously necessary, in order to prevent a legalized Slave Trade from being regularly organized, under the direct sanction of a Treaty, concluded for the purpose of putting Slave Trade down.

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His Excellency remarked that, by the 5th Article of the amended Draft, if any regulations specified in that Article shall be violated or unobserved, in respect to a vessel, her captain, crew, and owners shall be liable to be proceeded against as accomplices in an infraction of the Treaty, and shall be punished accordingly. But Viscount de Sá does not state any objection to this stipulation, which seems indeed to be perfectly just and correct in principle.

His Excellency complained that, in the amended Draft, provision is made for the establishment of more than two Commissions. But one Commission had already been established in Africa, and is in operation under the old Treaty, and His Excellency himself had suggested the establishment of two others in Africa; one at Angola, and another at the Cape of Good Hope; and it is obvious that, in addition to these, it would be necessary to have one Commission in the islands in the American Seas.

M. de Sá complained that, by the new Draft, Commanders transgressing against the Treaty are to be punished in proportion to the trangression they may have wilfully and knowingly committed. But it does not appear, that there is anything in this stipulation inconsistent with the principles of justice.

M. de Sá maintained, that the enfranchisement of the liberated negroes was much more explicitly and clearly guaranteed by Article 12 of the Draft proposed by him, than by Article 13 of the draft proposed by the British Government. The British Government, however, entertain a different opinion upon that point; and are decidedly of opinion that the last-mentioned proposal is the best-adapted to accomplish the object in view.

In the latter part of M. de Sá's note, his Excellency repeated his complaint, that the amended Draft does not contain a stipulation, providing for the revision of the Treaty at a fixed period. But such a stipulation is inadmissible, as it would merely reserve to Portugal a right to renew the Slave Trade at the end of the fixed period.

M. de Sá expressed a desire, that the Treaty on Slave Trade should contain a stipulation renewing the ancient Treaties of alliance, friendship, and guarantee. But such renewal is unnecessary, because the proposed Treaty has no bearing upon the ancient Treaties alluded to; and such a stipulation, if unnecessary, would only tend to inspire doubts, where none ought to exist. The Undersigned is instructed to remark, upon this point, that either those Treaties are in force, or they are not: the Government of Portugal asserts that they are, and Great Britain does not deny that assertion. If, then, they are in force, what is the use of renewing them in this Treaty? To do so, would weaken instead of confirming them, because it would imply that, without such renewal, those Treaties would not continue to be in force.

The British Government is therefore of opinion, that such a stipulation as that proposed by M. de Sá, would tend materially to impair the force of the ancient Treaties between the two countries.

M. de Sá represented the stipulations proposed in the Draft of Treaty, as concessions to be made by Portugal to England. But if those stipulations are concessions at all, they are concessions by Portugal to humanity, justice, and good faith, and not to England.

M. de Sá would not consent, that the Treaty should come into operation immediately upon the exchange of the ratifications, and required that certain intervals of time should elapse between its ratification, and the commencement of its operation in the African possessions of Portugal. But this postponement of its operation, would seem only an expedient to gain time; and to continue to the last possible moment the Portuguese Slave Trade. For the ground, on which M. de Sá supports his proposal for the postponement, is, that Portuguese subjects in remote regions, would, without the postponement, find themselves liable to the penal enactments of the Treaty, before those enactments were made known to them: whereas, His Excellency asserts, in another part of his note, that Portuguese subjects in all parts of the world, are already, by the Portuguese law of December, 1836, liable to penalties for Slave Trade, severer than those, which the Treaty would impose upon them for that crime.

M. de Sá made it also a subject of complaint, that six months are not allowed for the exchange of the ratifications; but, as he does not deny, that the exchange can be accomplished in four weeks, the effect of delaying the ratifications for six months, would, as in the case just before mentioned, only be to obtain additional time for the continuance of the Slave Trade.

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M. de Sá, after having made, in respect to the body of the Treaty, the objections which have just been answered, proceeded to remark on the alterations, made in the amended drafts of the annexes A, B, and C.

He complained of the omission of that stipulation, proposed by Portugal for the purpose of prohibiting commanders of vessels from putting on shore, on the coast of countries, of which they are not subjects, any persons from on board their ships, without leave from the local authorities.

But such a prohibition is not a fit matter for a Treaty. It is properly the subject-matter of police regulations, to be made, if necessary, by the contracting parties, each for itself, and its own territory.

His Excellency stated, that, in consequence of the want of such a prohibition, Portuguese authorities in Princes Island, have been obliged to maintain men, belonging to the crews of Portuguese slave vessels. But he does not explain, why those authorities did not enforce, against such malefactors, the penalties of the Portuguese law.

The stipulation, that liberated slaves are to be placed under the care of the Government, to which belongs the cruizer which made the capture, was objected to by M. de Sá; because, as the cruizers employed are mostly English, the effect of the stipulation would be, that the greater part of the negroes would be placed under the care of the British Government.

But the stipulation in question was expressly put in for that very purpose; and in order thereby to prevent captured and liberated negroes from becoming really slaves, though nominally emancipated; which, in the Portuguese colonies, is too likely to happen.

The Treaty between Great Britain and Spain, moreover, contains an arrangement to the same effect.

His Excellency complained of the vagueness of the provision, made in annex B, for the redress of any injustice which might be done by the Commissioners. The stipulation, as it stood in the last Draft, goes, however, more directly to the point, and extends also further than that proposed by M. de Sá himself; Because, the stipulation proposed by M. de Sá, only gave power to remove commissioners who might misconduct themselves; whereas the stipulation in the amended Draft, provides a prevention against the recurrence of the particular subject of complaint.

M. de Sá stated, that, in the amended Draft, the portion of annex C, which has for its object to promote the industry of the negroes, is made conformable to British legislation, instead of being, as it was in the Draft proposed by M. de Sá, conformable to the legislation of Portugal.

This alteration was made, because the regulations, as they existed in the Draft of M. de Sá, would not have sufficiently secured the liberty of emancipated negroes.

M. de Sá concluded his statement on this part of the subject, by objecting strongly to the simplification of the Treaty. He asserted, that the stipulations, which are excluded from the amended Draft, were not prejudicial to the object of the Treaty, and would rather have insured its ulterior duration and due execution; and he maintained the right of Portugal to complicate the Treaty, and to introduce into it as many clauses and conditions of alliance, of commerce, and of subsidy, as it might suit her interests to propose; because Portugal, by the Treaty, would bind herself towards Great Britain to prohibit for ever, throughout all the Portuguese dominions, a traffic, which M. de Sá asserts it was lawful to her, according to other Treaties, to carry on in places and parts to the south of the equator; and, because, she would also, by the proposed Treaty, extend regulations of maritime police to seas, in which her ships were previously free from such regulations.

The Undersigned is instructed to observe, in answer to this, that a stipulation, which would abrogate a Treaty at the end of a fixed period, does not seem to be the measure best adapted for insuring the ulterior duration of that Treaty; and that to introduce into a Treaty matters, which are in their nature complicated, and in their character extraneous, does not appear to be a good way of giving to such Treaty facility of execution. But the fact is, that these regulations of maritime police, have already, in principle, been agreed to by Portugal, and are already in operation over a large portion of the globe; and Portugal is bound in good-faith to extend the execution of those regulations to other parts, since the trade has become everywhere prohibited by her own law.

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Her Majesty's Government, therefore, cannot see, that the fulfilment by Portugal of her former engagement, could give her any right to demand, that England should on that account enter into new engagements of alliance, of commerce, or of subsidy, towards Portugal.

M. de Sá observed, that the punishments, to be inflicted upon Portuguese slave-traders, by the decree of the 10th of December, 1836, are more severe, than the punishments to be affixed to the crime of slave-trading, under the denomination of piracy, according to the explanation which has been given of that denomination by the Undersigned. But such being the case, Her Majesty's Government do not understand, why His Excellency should object to the application of the term piracy to Slave Trade; seeing that the effect of so applying that term would be, to affix an additional moral stigma to the crime, without adding to the severity of the punishment to be inflicted on the offenders.

His Excellency proceeded to observe, that, in addition to the penalty of transportation, persons guilty of Slave Trade, are already, by the Portuguese law, threatened with numerous fines, with loss of employment, with incapacity of serving in any other office, and with punishment in the galleys. But he omitted to mention any instances in which these punishments have actually been inflicted.

His Excellency, however, declared, that if the principal States interested in the question of Slave Trade will join in a declaration, that Slave Trade shall be considered piracy, Portugal will have no hesitation in concurring in such a declaration; but she cannot take the lead. No reason, however, was assigned by Viscount de Sá, why Portugal cannot take the lead in a case in which, to do so, would be highly honourable to her, and would be attended neither with any national danger, nor with any national sacrifice.

M. de Sá, in the latter part of his note, again stated his objections to the unlimited duration of the Treaty; observing, that if the compact should prove to be advantageous to both nations, it could not fail to be renewed.

Upon this the Undersigned is instructed to observe, that no doubt can be entertained of the advantages to humanity, which would result from the Treaty, and on that ground, Great Britain urges the adaptation of the Treaty of 1817, to the present altered state of circumstances; and M. de Sá has himself acknowledged that the Treaty would be advantageous to Portugal, by conducing to the prosperity of her colonies, and to the real welfare of the Portuguese people. But experience has shown, that it often happens in the affairs of nations, that the private interests of a few persons, who may chance to have acquired influence in a country, over-ride the real interests of the nation at large; and that thus, it by no means follows, that all Governments invariably take the course, which may be the most beneficial for the community whose welfare is committed to their charge; and, with reference to this particular question, it may be observed, that the insurmountable repugnance of the Government of Portugal to conclude the Treaty now under discussion, is not a very favourable indication of the facility with which any such Treaty would hereafter be renewed, if concluded now with a limited period of duration.

M. de Sá dwelt on the onerous nature of the right of armed vessels to visit merchantmen, as furnishing an argument against the unlimited duration of the Treaty; but there is nothing really onerous in such a visit, if the vessel so visited be not a slaver; and no ship would reasonably be suspected of being a slaver, unless found in certain lines of track.

But if there were anything onerous in this liability to be visited. Great Britain would be the party which would be most intitled to object to it; for at present the vessels, not being slavers, which, in pursuing their course, are most frequently met with near the above-mentioned tracks, and which, therefore, would be most exposed to unnecessary search, are British merchantmen.

M. de Sá observed, that Slave Trade may cease all over the globe, and that then there would be no reason to continue the right of search. To this the British Government entirely agrees; and, whenever *slavery*, as well as Slave Trade, shall be universally abolished all over the globe, the contracting parties to Treaties of this kind, will, no doubt, agree to cancel compacts, which will then have become entirely useless.

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M. de Sá, however, gave a strong reason for not specifying any fixed term of years for a revision of the Treaty, when he observed that the abolition of the trade, by Portuguese law, is only an enactment of the Portuguese legislature, and that it may be rescinded by the same power which made it; but that if such an enactment were to be embodied in a Treaty, its abrogation would no longer depend upon the will of one of the parties; and that the Portuguese Government ought not to render the continuance of its own enactments dependent on the good pleasure of a foreign Power. For what is the above statement, but a direct avowal, that a limitation of time is demanded, for the specific purpose of reserving to Portugal, the right, at the end of that stated time, again to legalize the traffic in Slaves.

The subject of complaint, last brought forward by M. de Sá, was, that the Undersigned and Mr. Jerningham had been commanded to state, that the project of the treaty, as last amended, was the ultimatum of the British Government.

But, after four years' negotiation, during which, at the desire of Portugal, the greater portion of the stipulations of the Treaty, as originally proposed by Great Britain, had been modified, some of them wholly given up, and many new ones had been admitted and then afterwards modified, Her Majesty's Government did not think it unreasonable to declare, that the time had at length arrived, when Portugal must make up her mind, either to conclude, or to break off, the negotiation; and the British Government sincerely regret that the Government of Portugal has thought fit to adopt the latter alternative.

The Undersigned has now replied, he believes, to all the observations, which M. de Sá has been charged by his Government to make, with respect to this long-protracted negotiation.

No. 56.

Lord Howard de Walden to Viscount Palmerston.—(*Received May* 6.)

My Lord, *Lisbon, April 23rd,* 1839.

I enclose a copy of a speech made by the Baron da Ribeira de Sabrosa, a few weeks ago (during the discussion in the Chamber of Senators, on the address,) on the Slave Trade.

This effusion of the Baron's has lately been printed, I understand, at the expense of Senhor Manoel de Castro Pereira.

From the spirit manifested by His Excellency in regard to the question of the Slave Trade, your Lordship will recognize the hopelessness of trusting to any amelioration in the Councils of Her Most Faithful Majesty, as to co-operation for the suppression of that infamous traffic.

I have, &c.

(Signed) HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 56.

(Extract.) *Translation.*

Vindication of Portugal from the Aspersions of Lord Brougham; by Baron Ribeira de Sabrosa, in the Sitting of the Cortes, 26th February, 1839.

The Decree of the 10th December, the voice of humanity, and the precepts of Christianity, impose on us the obligation of realising, as soon as possible, the decreed abolition of slavery to the south of the Line; but they give no right, either to Lord Brougham to vilify us, or to the British Government to attack our flag. Or is it possible that England,—who, for political and commercial reasons, at this very day, suffers the victorious flag of Nelson and Jervis to salute the pagodas of the Bramins, perhaps to the disparagement of the Christian religion,—should be wil-

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ling to expose us to the danger of losing, or at least of ruining, our colonies, by the adoption of violent and hasty measures? I cannot believe it. If our allies treat us in this manner, we have little to fear from our enemies. ("It is true"—cheers.) But a fear is entertained for our flag to the south of the Line! Once more, I cannot believe it; because, no treaty has as yet been concluded, to invest the English cruizers with such a right. I have too high an idea of Lord Melbourne's character, to suppose his Lordship capable of advising the Queen of England to offer a gratuitous insult to the flag of the Queen of Portugal; not only the most ancient, but the most faithful of all her allies. If Lord Melbourne were capable of giving such an advice, he would thereby put a slur on his whole public life, and commit a great injustice. And assuredly it is not the abuse of strength that perpetuates the greatness of nations. (Cheers.)

I detest slavery, and wish to see an end put to it without the dishonour of our flag, or a considerable loss of our colonies; but I own, I have never been able properly to understand what the English mean by their philanthropy. A French author has already observed, that it is more in the head than in the heart; that is, that it might be an impulse of vanity, and not of beneficence; a desire of making a figure in a paragraph of some newspaper, and not of consoling humanity. Whatever it be, we know from history, that while England was declaiming, in and out of Parliament, against the Slave Trade, the Algerines made prisoners of the whites in the Mediterranean, and sold us into slavery,—though that outrage to humanity excited no such effusions of compassion as the mention of negroes has provoked. (Cheers.) If that disgrace has been put an end to, we have Charles X. to thank for it, not George IV.; and what is still more remarkable, why did the British Government, at the Congress of Vienna, not accept the proposals of the Portuguese Plenipotentiaries, who offered to abolish the Slave Trade within eight years, if the British Government would consent to the abrogation of the fatal Treaty of 1810? Lucre at that period overruled humanity, for the proposals were rejected.

Our country is unfortunate, but not *insignificant*. I, at least, am so fond of it, that, in my opinion, the sun at Lisbon is of greater value than half England.

Lord Brougham calls Portugal insignificant; perhaps because it is now less in extent than England. That cannot be denied. But it is this little territory which, in the Peninsular War, first by its treasures, and afterwards by its blood, raised the British Empire to the splendour which it now enjoys. Lords Wellington, Strangford, Ellenborough, and Aberdeen, and Mr. Herries in the House of Commons, demonstrated, in September, 1831, the commercial importance of Portugal. If this be unfounded, how does it happen that England employs seven hundred ships in the Portuguese trade? How does it happen that this insignificant kingdom imports more English manufactures than any nation of Europe, excepting Germany?

Should the flames of war break out once more, as they did in the 18th, and in the beginning of the 19th century, England may chance not to have a single ally on the continent.

Let the riches of Cornhill and Lombard-street be contrasted with the misery of the Irish people, which is a thousand times more poor and distressed than the Portuguese. The most splendid opulence is there put out of countenance, by the most filthy indigence. And then, there is that colossal national debt, which, at the first convulsion of Europe, is capable of carrying England to the grave. When it was threatened with death by a panic, what effect would not a reality produce!

The English populace is more barbarous than any other of western Europe. On Sundays, the men are drowned in gin, and go next morning to the fair to sell their wives? A people that, in the 19th century, cherishes such customs, has no right to thrown stones at any other. (Cheers.) If the minister were capable to enter on any negotiation, without previously receiving due reparation for the insult offered to the flag hoisted at the top-mast of the *Flor d'Angola*, south of the Line, or to accept conditions, which not only would dishonour our flag, but cause our ruin, and the destruction of our colonies, I should be the first to say to His Excellency, "Minister of the Crown, stand on your defence, I am about to impeach you." If they want any ports in our colonies, let them attack, capture us, carry us off, let every thing perish—*hormis l'honneur!* (Sensation.)

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No. 57.

Lord Howard de Walden to Viscount Palmerston.—(*Received May* 6.)

My Lord, *Lisbon, April 28th*, 1839.

I enclose a list of the papers relative to the late negotiations between Portugal and Great Britain, for a Treaty for the abolition of the Slave Trade, which have been laid, by the Viscount de Sá da Bandeira, before the Cortes. The selection in question presents so garbled an account of these long-pending transactions, that I called the Baron de Ribeira da Sabrosa's attention to the subject, expressing my hope that His Excellency would see the propriety of affording to the public some further information, respecting the early stages of the negotiation, and that he would consent to throw, at least, such additional light on the question, as was contained in the original Project presented by me on October 4, 1834, in your Lordship's note to Baron de Moncorvo, of the 30th of April, 1836, and in the "observations" with which the Viscount de Sá da Bandeira accompanied the presentation of his counter-project. The Baron expressed some reluctance to do this (as he professed, out of delicacy to the Viscount de Sá), and stated, that the Duke of Palmella, as chairman of the Commission, to which the papers, laid by the Government, had been referred, could easily call for these documents. I represented to him that calling, as I did then officially, the attention of His Excellency to the unfair selection of the papers in question, it would be for His Excellency to consider, whether he would leave it to the Duke of Palmella to require more complete information, or whether he would, as minister of the Crown, make good the deficiency; and I added, that I was sure the Viscount de Sá could not object to the production of those papers, if he knew I had called upon His Excellency to lay them before the Cortes. The Baron replied, that he only wished to speak to the Viscount de Sá on the subject, out of delicacy to him, professing his own readiness to lay them, and adding the assurances of his anxious desire to do what he could to bring about, in all questions, a better state of relations with Great Britain, than had of late existed.

I have, &c.

(Signed) HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 57.

List of Papers laid before the Cortes, by Viscount de Sá da Bandeira, at the request of Senhor M. de Castro Pereira.

No. 1. Note to Lord Howard de Walden, of the 4th of May, 1837.

No. 2. Printed copy of the Treaty between France and Sweden, of the 21st May, 1836, for the suppression of the Slave Traffic.

No. 3. Counter-project of Treaty accompanying the said note.

No. 4. Note to Lord Howard de Walden, dated 8th of May, 1838.

No. 5. Circular letter, published at Moçambique, by the Marquis Acaraty, on the 11th November, 1837.

No. 6. Note from Lord Howard de Walden in answer to one of the 8th of the same month.

No. 7. Note from Lord Howard de Walden, dated 11th of May, 1838, transmitting a memorandum on the naval succour offered by the British Government, in place of guaranteeing the Portuguese dominions, as requested in the counter-project of the Treaty.

No. 8. Treaty stipulated with Lord Howard de Walden.

No. 9. Annex A.

No. 10. Annex B.

No. 11. Annex C.

No. 12. Official letter from Lord Palmerston, transmitting a copy of the resolution of the House of Commons of the 10th of the said month, respecting the Slave Traffic.

No. 13. Note from Lord Howard de Walden, dated 20th of May, 1838, enclosing two projects for an Article of Treaty, in order to declare the Slave Trade piracy.

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No. 14. The Project of the additional article offered by Lord Howard de Walden.
No. 15. Additional Article lately proposed to Lord Howard de Walden.
No. 16. Note to Lord Howard de Walden, of the 22nd of May, 1838, in answer to one of the 20th of the same month, and to the official letter of Lord Palmerston, of the 12th of the same month.
No. 17. Note to Mr. Jerningham, of the 29th of May, 1838, soliciting him to ask his Government for the full power to sign the Treaty stipulated with Lord Howard de Walden.
No. 18. Note from Mr. Jerningham, of the 30th of May, 1838, acknowledging the receipt of the aforesaid note, and stating his having forwarded it to his Government.
No. 19. Note from Mr. Jerningham, of the 1st of August, 1838, stating that he was authorised to sign the Treaty for the suppression of the traffic in slaves.
No. 20. Note from Mr. Jerningham, dated August 1st, 1838, transmitting a new Project of Treaty.
No. 21. The said new Project of Treaty.
No. 22. Annex A.
No. 23. Annex B.
No. 24. Annex C.
No. 25. Note to Mr. Jerningham, dated October 6th, 1838, in answer to his note of the 1st of August, accompanying the new Project of Treaty.

Foreign Affairs Office, 8th of April, 1839.

No. 58.

Lord Howard de Walden to Viscount Palmerston.—(Received May 6th.)

My Lord, *Lisbon, April 29th,* 1839.

In execution of your Lordship's instructions, conveyed in your Despatch, Slave Trade of the 20th instant, I have presented, under yesterday's date, addressed to the Baron de Ribeira da Sabrosa, the reply to the Viscount de Sá da Bandeira's note of the 22nd of May, 1838, on the Portuguese Slave Trade question.

I have, &c.
(Signed) HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 59.

Lord Howard de Walden to Viscount Palmerston.—(Received May 14.)

My Lord, *Lisbon, May 6th,* 1839.

In execution of your Lordship's instructions conveyed in your Despatch of April 27, 1839, I have presented under yesterday's date, addressed to the Baron da Ribeira de Sabrosa, the reply to Viscount de Sá da Bandeira's note of the 6th of October, 1838, on the Portuguese Slave Trade question.

I have, &c.
(Signed) HOWARD DE WALDEN.

To the Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 60.

Lord Howard De Walden to Viscount Palmerston.—(Received May 21.)

My Lord, *Lisbon, May 13th,* 1839.

I have the honour to transmit to your Lordship a copy of a note, which I have received from the Baron da Ribeira de Sabrosa, acknowledging the receipt

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of the notes which, by your Lordship's instructions, conveyed in your Despatches of the 20th and 27th April, 1839, I presented to His Excellency on the 28th ultimo, and on the 5th instant.

The declaration which accompanies this acknowledgment being evidently made to serve some special object of the moment, I have thought it prudent not to delay placing on record a refutation of the declaration, intended to be conveyed thereby, of the blamelessness of the Portuguese Government in regard to the rupture of the late negotiations on the Slave Trade Treaty.

I enclose a copy of the note, which I have, with this view, addressed to the Baron da Ribeira de Sabrosa on the subject.

I have, &c.

(Signed) HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

(Translation.) First Enclosure in No. 60.

Baron da Ribeira de Sabrosa to Lord Howard De Walden.

THE Undersigned President of the Council of Ministers, charged with the department of Foreign Affairs, has had the honour to receive three notes from Lord Howard de Walden, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty, the first dated on the 28th of last April, in answer to the one addressed to his Lordship by the Viscount de Sá da Bandeira on the 22nd of May of last year; the second under the date of the 5th instant, in answer to that, which the said Viscount addressed to his Lordship on the 6th of October of last year; and the third, also dated on the 5th instant, in which his Lordship points out an error, that occurred in writing out the said first note, and declares the amendment which is to be substituted.

The importance of the objects contained in the first and second of the abovementioned notes of his Lordship, the first of 112 pages, and the second of 69, and the manner in which they are explained in the said notes, compels the Undersigned to take time also in order to answer them conveniently.

The Undersigned must, however, declare at once to his Lordship, that Her Majesty's Government can never admit the imputation, which is wished to be gratuitously conveyed in the said note, that it was the said Government who broke off the negotiations entered into for the purpose of concluding a Treaty between the two crowns, for the total and perpetual abolition of the Slave Trade; and the Undersigned hopes to have the honour of proving, with all possible evidence, to his Lordship, the groundlessness of such an imputation.

The undersigned, &c.

(Signed) BARON DA RIBEIRA DE SABROSA.

Foreign Affairs Office, May 11th, 1839.

Lord Howard de Walden,
&c. &c. &c.

Second Enclosure in No. 60.

Lord Howard de Walden to Baron da Ribeira de Sabrosa.

THE Baron da Ribeira de Sabrosa, Secretary of State for Foreign Affairs to Her Most Faithful Majesty, in his note of yesterday's date, in acknowledgment of two notes, addressed to His Excellency by the undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, replying to notes of the Viscount de Sá da Bandeira, the first addressed to the Undersigned on the 22nd of May of last year, after he had left Lisbon, and the second to Mr. Jerningham, on the 6th of October last (not to the Undersigned as stated to his Excellency), having thought right to declare that, while delaying entering into the general question treated in the notes presented by the Undersigned, "The Government of Her Majesty can never admit the imputation, gratuitously made in those said notes, that

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it was the said Government which broke off the negotiations, entered into for the purpose of concluding a Treaty between the two Crowns, for the total and perpetual abolition of the Slave Trade." The Undersigned, considering this declaration on the part of His Excellency can only arise from the probable circumstance of His Excellency not having time to become acquainted with all the details of the long negotiations, which have been pending for four years and a half, between the Crowns of Great Britain and of Portugal, having for object the effectual suppression of the Slave Trade, has the honour to direct His Excellency's attention, while entering into the examination of this subject, to the following facts:—

1. To the breaking off, when in the most advanced state, of the negociations of September, 1836, until May, 1837.

2. The declaration which, on the resumption of negotiations in May, 1837, by the Viscount de Sá da Bandeira, accompanied the presentation of a counter-project by His Excellency, containing propositions totally inadmissable and at variance with all the main principles forming the basis, not only of the previous interrupted negotiations, but of actually existing Treaties, in which His Excellency states that, "if, notwithstanding all that ought to be expected from the enlightened spirit of justice which presides over the decisions of the British Government, it should insist in refusing to admit in the new Treaty such just and reasonable alterations, without which the Portuguese Government cannot, nor ought to conclude it, in such case the additional Convention of July the 28th, 1817, must then remain in existence for 15 years more, reckoned from the 10th of December, 1836, date of the Decree for the total abolition of Slave Trade in the Portuguese dominions, according to the stipulation of the separate article of the said Convention, signed in London on the 11th of September, 1817."

"Thus, the Mixed Commissions, and some other stipulations of that additional Convention, prejudicial to, and in no way becoming the Portuguese nation, will continue to exist; though they must be known as forming part of the onerous and oppressive legacies imposed on it by the absolute Government, and what they may contain of odium can never fall to the account of the present Government, who, by the very fact of falling back upon the said separate act, will prove to the nation that, in spite of the justice on their side, their efforts to obtain better conditions were unavailing."

"Thus in the mean time the Portuguese Government will be able to give their cruizers the instructions they may judge necessary, with regard to Portuguese vessels, in conformity with the Decree of December 10th, 1836, while British cruizers will not be allowed in any way whatever to exceed, with regard to the said Portuguese vessels, what is stipulated in the said additional Convention of July 28th, 1817, and in the instructions annexed thereto, which, in conformity with what has been above stated, must remain in force 15 years longer."

The above declaration at once suspended, and was looked upon as breaking off, the negotiations.

3. To the Viscount de Sà da Bandeira's note of the 8th of May, 1838, in which His Excellency, after a renewal of negotiations in the preceding month, brings forward a proposition respecting a guarantee, already officially declared by the Undersigned to His Excellency to be wholly inadmissible, and makes the actual conclusion of the negotiation respecting that proposition, as a *sine quâ non* condition of the *ratification* of a Treaty, which His Excellency has so repeatedly declared he was ready to *sign*, but which, it is also evident, he could not expect to ratify!

4. To the circumstance of the Viscount de Sá da Bandeira having rejected absolutely, in his conference on the 16th of February last, with the Undersigned, the ultimatum of the British Government.

The Baron da Ribeira de Sabrosa will thus discover, that Her Majesty's Government must consider the negotiations for the Slave Treaty, to have been in fact broken off, even three times, by the Portuguese Government (though resumed again by renewed overtures from Her Majesty's Government), previous to the last definitive rejection by the Viscount de Sá da Bandeira, of the project presented by Mr. Jerningham on the 11th of last August, as the ultimatum of Her Majesty's Government, in which every effort had been made to work up with the provisions indispensable for the efficiency of the Treaty, all such amendments proposed by the Viscount de Sá da Bandeira, as could well be considered as not positively objectionable, by complicating or neutralizing the object in view, the total suppression of the Slave Trade.

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With reference to the course and progress of the negotiations in question, which have been carried on by the Undersigned with so many plenipotentiaries, and under so many successive Governments, the Undersigned will be happy to afford to his Excellency every information which can thus throw light upon the subject, and respecting which His Excellency has the opportunity of obtaining confirmation from the plenipotentiaries themselves, all of whom are now on the spot.

The Undersigned makes this offer to His Excellency, being aware that, from the changes which have taken place in the public departments, it is not in His Excellency's power to obtain complete and accurate information, such as he can rely upon, from any one person now in the Foreign Department.

The Undersigned, &c.

Lisbon, May 12, 1839. (Signed) HOWARD DE WALDEN.

The Baron da Ribeira de Sabrosa,
&c. &c. &c.

No. 61.

Lord Howard de Walden to Viscount Palmerston.—(Received May 21.)

My Lord, *Lisbon, May* 13, 1839.

I enclose a copy of a note which I have addressed to the Baron da Ribeira de Sabrosa, in transmitting to His Excellency a copy of the Report of the Mixed Commission on the case, and on the condemnation, of the slaver, "*Diligente.*"

I have, &c.

(Signed) HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 61.

Lord Howard de Walden to Baron da Ribeira de Sabrosa.

The Undersigned, &c. &c., has the honour herewith to transmit to the Baron da Ribeira de Sabrosa, &c. &c., a copy of a Report from the Mixed Commission of Sierra Leone, on the case of the slaver brig-schooner "*Diligente,*" which, although captured under Portuguese colours, has been condemned as a Spanish vessel.

The Undersigned is instructed to call the special attention of the Portuguese Government to that part of the Report, containing the clearest evidence of the shameless encouragement given by the Portuguese Consul at Cadiz to the Slave Trade, and the Undersigned ventures to entertain the hope that, among the first acts of the Baron da Ribeira de Sabrosa's administration, His Excellency will seize this opportunity to evince, by some practical measure, His Excellency's determination to enforce obedience to the laws of the country, combined, as they are with the faithful fulfilment of engagements contracted under Treaty between the Crowns of Portugal and Great Britain for the same common object, the great cause of humanity.

The Undersigned avails himself, &c.

Lisbon, May 8th, 1839. (Signed) HOWARD DE WALDEN.

The Baron da Ribeira de Sabrosa,
&c. &c. &c.

No. 62.

Lord Howard de Walden to Viscount Palmerston.—(Received May 27.)

(Extract.) *Lisbon, May* 20, 1839.

I have the honour to transmit herewith the Diario of the 13th instant, in which is published officially the address of the Municipal Chamber of Loanda to the new Governor-Admiral Noronha (the successor of Governor Vidal), and His Excellency's reply.

Your Lordship will observe that the language, held by the Municipal Chamber in regard to the export of British merchandize for slave-trading purposes, is identical with that so often adopted by the "Nacional" newspaper.

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By the Proclamation of this Governor, who was sent out by the Viscount de Sà on the recall of Governor Vidal, so notorious for his slave-trading, your Lordship will observe that, notwithstanding the Viscount de Sá's decree of December 10, 1836, and his repeated professions of a determination to put down the Slave Trade, and his readiness to sign a Treaty for that purpose, this same Governor at once authorizes the continuance of the Slave Trade for three months, and, what is still more remarkable, as calling for special consideration, the "Diario do Governo," in approving of this measure, renders it manifest, that he does this, not only with the sanction of the Government, but that he is even authorized, according to his discretion, to prolong this period: thus, at once conveying to those about to enter upon Slave Trade speculations at Lisbon, that they will have sufficient latitude allowed them to undertake any pending Slave Trade enterprise.

Enclosure in No. 62.

(Translation.)

From the Diario do Governo, Lisbon, 15th May, 1839.

Address of the Municipal Chamber of Loanda to the Governor of the Province on his installation.

MOST EXCELLENT SIR,

THE Municipal Chamber of this city has commissioned me to communicate to your Excellency its congratulation and the expression of its happiness, which are shared by all the inhabitants of this African settlement, on our beholding the auspicious day that puts us in possession of a meritorious and illustrious chief, a name already far-famed in the first rank of Portuguese citizens, and who, having always efficaciously contributed towards rendering our country free and celebrated, will certainly not fail to confer felicity and prosperity on this remote portion of the great Portuguese family. Assuredly, Sir, your Excellency is the person best suited for us, and the nomination of your Excellency is one of the most manifest proofs how much the liberal Government of our adored Queen has at heart the welfare of the whole Portuguese family, whatever part of the globe it may inhabit. The existence of this possession is so singular, and its preservation is so difficult, that, considering the opinion which has of late years predominated in the cabinets of Europe, every one of us has apprehended the not very remote annihilation of this rich part of the Portuguese monarchy so distinguished for its fertile soil, that nothing but the listlessness, ignorance, and misrule of former Governments, have prevented it from being a formidable rival to the opulent and inexhaustible Brazil. Most encouraging, therefore, was the hope which took possession of our hearts when, through this immense ocean, the intelligence reached us of your Excellency having been appointed, in order, by means of your government, to effect this difficult and dangerous, though indispensable, change. It is your Excellency who, grown grey in the difficult art of governing, can, like a second Numa, gradually and prudently make us pass from a false to a real existence, from a dangerous and unlawful position to a solid and honourable state, from the Romans of Romulus to the Romans of Numa Pompilius. This Chamber is aware that it need not have said thus much, seeing that your Excellency has already, thanks to your consummate judgment and experience, planned in your mind all the good you mean to bestow on this population, which even now looks upon you as its guardian angel. But the Chamber has a duty to fulfil in the face of the inhabitants of this community, namely, to put your Excellency in possession of the opinion which is general among our people, and to do so in such a manner as that it shall be intelligible to all, for life and death of this community are at stake, and our consciences do not retain any scruple, being, as will appear presently, frank and clear. There never was any opinion so unanimous anywhere as that in this community: the opinion prevalent among us at this day is the same that has swayed us for these eight years, which was dominant when his Excellency Governor Vidal came to this country, and which induced the illustrious council of the government to give him its advice, in a clear and delicate manner; an advice which was sent to the presence of Her Most Faithful Majesty. It is the same opinion which firmly convinced the ex-Governor Vidal that the citizens of this community would willingly make any sacrifice, and even bear ill-treatment, *short of beholding the annihilation, by a violent and premature crisis, of their fortunes, both small and great,* and of witnessing

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the reduction of the territory of Angola, in a few short months, into a contracted spot on the coast of Africa, equal to Cape Negro.

This council of the Government, which knew how to transfer into its advice just mentioned, the wishes of its fellow-citizens in this portion of Africa, has also demonstrated with the purest disinterestedness during its provisional administration, that it cannot but be aware of the public opinion continuing still the same. *The reprobated traffic* which unfortunately maintains *and gives existence to these possessions*, notwithstanding the impediments it meets with here and everywhere, *must*, we are fully persuaded, *cease, but it ought to cease in a manner consonant with sound policy—in the only manner possible, that is, so as not to destroy this population; and this will be effected if the traffic be made gradually to supply a substitute in its place*, in affording the means whereby to support the indispensable sacrifices attending agricultural enterprises, which in this country become so much the more difficult, as the climate is destructive principally to Europeans, who alone are able to teach these inhabitants the way in which civilised nations lead a happy life, namely, by compelling nature to supply, by her products, all the necessities of existence. What could we desire more likely and more certain to direct us during so difficult a transition, than your Excellency's enlightened mind? Yes, Sir, we once more bless our illustrious Queen, and congratulate ourselves mutually, for so felicitous an appointment. *It will, however, be incumbent on our Government, in real earnest, to put an end to the indirect tolerance still observable, and in which we copy the example of philanthropic England; for though its Cabinet is the first champion against the Slave Trade, the British Government suffers its manufactories to produce the chief articles employed in slave transactions. Would it be practicable to purchase in Africa a single slave, if English manufacturers did not act the part of agents? Do not these commodities pass through the English Custom-houses with the label "Merchandise for the Slave Trade?" There is one more truth, Sir, which ought to be stated to your Excellency, and that is, that the strong measures whereby it is intended at once to annihilate the Portuguese possessions in Africa, would in no wise better the lot of African slaves; they would be carried to other points of the coast, and would there always meet with buyers, and all that our Government had gained would be the destruction of its settlements.* Enlightenment is to be the means of putting an end to the illicit and detested Slave Trade, and the Portuguese dominions are to furnish this enlightenment to this part of the world; it is by setting an example to these nations that it is presumed to bring about their conviction, and how great will then your Excellency's glory be, when it is you that shall have made the beginning of this grand work!

Loanda, January 25, 1839.

JOAO ANTONIO LOPES D'ANDRADE.
Fiscal of the Municipal Chamber.

Edict of the Governor-General.

I, Antonio Mansel de Noronha, of the Council of Her Most Faithful Majesty, etc., etc., make known, that due execution not having hitherto been given to the Decree of the 10th December, 1836, which abolished the Slave Trade in all the parts of the Portuguese monarchy, the said Decree is herewith once more promulgated; and it shall, without delaying its rigorous execution, be carried into effect, *after ninety days*, with all rigour, and in every respect, the interval just mentioned being conceded, in order that the persons who, in consequence of the steps adopted by the last Governor of this province, *have bonâ fide sent their capitals into the interior of Africa, there to be employed in that traffic, may be enabled to withdraw the said capitals without the risk which they otherwise would run of being apprehended.* And Her Majesty, desiring to promote as much as possible the lawful commerce of this province with the whole interior of this part of the world, all commanders of forts, chiefs of districts, officers, and functionaries, are directed to promote, aid, and favour the said commerce of the interior, by endeavouring to set on foot relations of amity with such potentates with whom there has not yet hitherto subsisted any intercourse, under the persuasion that whatever they shall have contributed towards the advancement of this commerce, shall avail them in their future preferment, in the same manner as they are responsible, etc., etc.

Given in the City of St. Paul of the Assumption of Loanda, 1st February, 1839.

ANTONIO MANOEL DE NORONHA.

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LEADING ARTICLE.

Lisbon, 14th May, 1839.

Official accounts from Angola state that one of the first acts of the Governor was to enforce the rigorous execution of the decree of the 10th December, 1836, respecting the entire abolition of the Slave Trade.

It is mere declamation to say that the Portuguese nation and Government still protect the Slave Trade; and it is surprising that even those should join in the slander who ought to be better informed.

The abolition of the Slave Trade involves serious difficulties, which must be overcome with prudence; but if, to bring it about, a hasty proceeding be resorted to, the consequences must be fatal.

The edict of the Governor of Angola has for its object to carry the abolition into effect without compromising interests which it is necessary to respect. He allows the term of three months for making the needful preparations. Should that period be found insufficient, we are certain that he will extend the term according as circumstances may require. And thus we hope that the abolition of this nefarious traffic will be accomplished, as its extinction is desired both by the sympathy and dignity of the nation, without disregarding the momentous considerations which the state of our colonies requires us to attend to.

No. 63.

Lord Howard de Walden to Viscount Palmerston.—(Received May 27.)

(Extract.) *Lisbon, May* 20, 1839.

I HAVE spoken twice at considerable length with the Baron da Ribeira de Sabrosa on the subject of the Slave Trade His Excellency appears to be unacquainted with the real state of the question, as regards the engagements of Portugal towards Great Britain, while he had evidently prejudged it, and made up his mind against the proceedings of Her Majesty's Government.

I entered into a long explanation of the course of the last four years' negotiations for the suppression of the Slave Trade, laying stress upon the patience and forbearance, which had been manifested at the different periods when they were broken off. I said I was aware he could not be well informed on many important points, and therefore had offered to give him every information in my power.

I then put into his hands a printed copy of your Lordship's note to the Baron de Moncorvo, of the 30th April, 1836, which I told him I had brought in order to facilitate His Excellency's labours, in which he would find reference in marginal notes, which would be of the greatest use to him.

The Baron at once looked over it, and, having recognised its value to him, expressed his thanks to me, and assured me of his anxious wish to treat on all pending matters, with the sincerest desire to bring about a good understanding with the British Government.

It is evident, however, that, with regard to the signature of the Treaty, the Baron is not disposed to give way.

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PORTUGAL. (*Consular.*)

No. 64.

Mr. Barker to Mr. Bidwell.—(*Received April* 8, 1839.)

SIR, *British Consulate, Villa da Praia, Cape Verde Islands, December* 31*st*, 1838.

I HAVE the honour to enclose a list of the slave-vessels, as correct as possible, that have arrived at this port during this year, from January to December, together with a few observations annexed to each vessel, and hope it will meet your approbation. It is not done as well as I could wish, for the fever has again paid me a visit these last few days.

I have, &c.
(Signed) THEOPHILUS BARKER,
H.B.M. Acting Consul.

John Bidwell, Esq.,
&c. &c. &c.

Enclosure in No. 64.

List of Slave Vessels which have Sailed from the Port of St. Jago, Cape de Verd Islands, for the Coast of Africa, during the Year 1838.

No.	Date.	Nation.	Class.	Name of Vessel.	Name of Master.	Remarks.
1	Jan. 13	Portuguese	Schooner	Sareia	Don José	Went to Gallinas.
2	Feb. 15	American	Ditto	Monrovia	A German	Owned by D. Felipe Blanco.
3	Feb. 16	Spanish	Brig	Montano	Unknown	Consigned to F. C. de Mello.
4	Mar. 1	American	Schooner	Cleopatra	A Spanish Captain on board.	Consigned to F. C. de Mello.
5	Mar. 10	Spanish	Brig	Last from Bonavista: came with the Consignee on board, named Enacio Carvalho.		Gave 2000 dols. for the Portuguese colours: sailed on 25th March.
6	Apr. 23	American	Schooner	Peri	.. F. F. Ferreira.	Ran away at night, when they found that some difficulty was apprehended, she was consigned to F. C. de Mello, the Danish Consul at this place.
7	June 4	Spanish	Ditto	Victoria	..	I've heard she has been taken.
8	July 2	American	Ditto	Mary		Last from Matanzas. The Portuguese Government would not grant her Papers.
9	July 15	American	Schooner	James Webb	..	From Havana, with a Spanish crew. A Bill of Sale and list of crew made out by the American Consul at Havana, Nicholas F. Trist, with which they came to this place to get colours, but the Governor, Marinha, would not grant without she had a Register, upon the American Consul of this place, F. Gardner, vouching for the legality of the Papers, he, the Governor, did not attempt to make a seizure, but refused the Portuguese colours; sailed for the Coast on the 20th July: supposed she had a Spanish set of Papers on board.
10	July 21	Brazilian	Schooner	Amalia	Marsaile.	Consigned to F. C. de Mello: sailed on the 30th.

MEMORANDUM.

I have heard from the last American vessel that arrived at this place, that the American Consul, Nicholas F. Trist, will be removed from the Consulate at Havana. "He ought to be," having granted to my knowledge, more than ten false bills of sale of vessels, and passes, to these Islands.

The Danish Consul at this place, Francisco Cardozo de Mello, has been this month deprived of the Consulate, in consequence of some person representing his conduct at Lisbon, in aiding and promoting slave vessels.

British Consulate Villa da Praia,
Cape de Verd Islands.
THEOPHILUS BARKER,
Her Britannic Majesty's Pro-Consul.

December 31*st*, 1838.

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No. 65.

Mr. Smith to Viscount Palmerston.—(*Received May* 26.)

MY LORD, *British Consulate, Lisbon, April* 22, 1839.

I HAVE the honour to enclose, for your Lordship's information, the Lisbon Official Gazette of the 16th instant, with a translation of a circular therein published, from the Minister of Finance to the Directors of the several Custom-houses, apprizing them of the expected arrival of some Foreign vessels for the purpose of assuming the Portuguese Flag, in order to engage in the Slave Trade, and ordering them, for the prevention of that fraudulent practice, to enforce the provisions of the 2d Article of the Decree of January 16, 1837, which determined that no vessels should be deemed to be Portuguese, except such as, to the date of that Decree, had been navigating under the Portuguese flag, and such as should in future be built in the ports of Portugal, and those of her dominions in Asia and Africa.

I have &c.

(Signed) WILLIAM SMITH.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 65.

(Translation.) *Circular Order.*

IT having reached the knowledge of Her Majesty the Queen, that some Foreign Vessels are shortly to arrive at the ports of this kingdom and its adjacent islands, for the purpose of assuming the Portuguese flag, in order to engage in the Slave Trade; and as it was determined by the Second Article of the Decree of January 16th, 1837, that *Portuguese* vessels were those only which to the date of that Decree had been navigating under the Portuguese flag, and such as might in future be built in the ports of Portugal, and those of her dominions in Asia and Africa: Her Majesty orders, through the Ministry of Finance, that the Director of the Lisbon Custom-house shall, in all the Custom-houses under his jurisdiction, enforce the strictest observance of the said Second Article of the Decree of the 16th of January, 1837, in order that no vessels, except those included in the letter of said Article, should be recognised as Portuguese, nor any foreign-built vessels be in future nationalized as such.

(Signed) MANOEL ANTONIO DE CARVALHO.

Palace of Necessidades, 8th April, 1839.

To the Director of the Lisbon Custom-house, and, Mutatis Mutandis, to those of Oporto, Funchal, Argra, Horta, and Porta Delgada.

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BRAZIL.

No. 66.

Mr. Ouseley to Viscount Palmerston.—(*Received February 6th*, 1839.)

My Lord, *Rio de Janeiro, December* 15, 1838.

I have the honour to transmit to your Lordship returns of slave-vessels which have entered this harbour during the months of October and November, after having landed their cargoes of Africans in the vicinity of this capital.

I have, &c.

(Signed) W. G. OUSELEY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 66.

Returns of vessels engaged in the Slave Trade, which have entered this Port under the Portuguese Flag, during the month of October, 1838, *after having landed their cargoes of slaves on this coast.*

1. Brig, "*Maria Segunda,*" from Angola, landed 417 slaves at Sepetiba.
2. Brig schooner, "*Maria Virginia,*" from St. Thomé, landed 394 slaves at St. Sebastian.
3. Brig "*Novo Destino,*" from Quillimane, landed 713 slaves at Campos.
4. Brig "*Almeida,*" from Angola, disembarked 504 slaves at the entrance of this harbour, and which were landed at the residence of Colonel Vasco, at the Fort St. Joao.
5. Brig schooner, "*Firmeza,*" from Rio Zaire, landed 475 slaves at Alto Moirao, and from thence they were taken by land to the depository at the Bay of Jurujzuba, inside this port.
6. Brig, "*Onze de Novembro,*" from Angola, landed 454 slaves at the estate of Dois Rios in the Ilha Grande.
7. Brig, "*Promptidão,*" last from Monte Video. This vessel sailed from this port in the beginning of the year for the Island of St. Thomas; from thence, she returned with a cargo of 600 slaves, which were landed at Ilha Grande; she thereafter proceeded to the Cape de Verde Islands, took in a cargo of salt, which she disposed of at Montevideo, and has now returned to fit out for another African voyage.
8. Brig, "*Ganges,*" from Quillimane, landed 721 slaves at Ponte Negra.
9. Smack, "*Pensamento Feliz,*" from Benguella, landed 321 slaves at Alto Moirao; from thence, they were taken by land to the depository at the Bay of Jurujuba, inside this port.
10. Brig "*Valerozo,*" from Angola, this vessel brought part of a cargo of African produce, and 77 slaves; these she landed at the Copa Cabana, and they were afterwards taken to the house of Joao Machado Cardoza in Rozario Street of this city.

Total number of slaves imported by ten vessels as above, 4676.

There are four large depositories for slaves in the vicinity of this city.

The most considerable is that at the Bay of Jurujuba, which is supported by Jorge Jose de Souza, Joze Bernardino de Sa, Joze Pimenta Junr., and Joao Machado Cardozo, who have occasionally had there as many as 6000 slaves on sale.

The second in magnitude is that at the Ponta de Caju, where there are warehouses close to the beach, for the reception of slaves, and at all times there are

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many of these miserable beings on sale. The other two depositories of Botafogo, and St. Clemente, are not so extensive as those first mentioned; but occasionally they are well supplied with slaves.

In many houses in the public streets of this city, and in the suburbs, there are from 60 to 100 slaves continually on sale.

At the town of Itagoahy, near to Ilha Grande, slaves are as openly sold as they were at the slave market street of this city, before the prohibition of the trade, by the treaty with Brazil.

The slave cargoes are regularly insured by the Assurance Companies, and individual underwriters of this city. And there exists a company for lending money on respondentia for slave cargoes.

Some of the slave traders are making arrangements for employing steam-boats in the trade. Should Her Majesty's Government not adopt effective measures to put down the trade, the task will be more difficult when it is carried on by steam-vessels.

Rio de Janeiro, 1st November, 1838.

Second Enclosure in No. 66.

Returns of Vessels engaged in the Slave Trade, which have entered this Port under the Portuguese Flag during the Month of November*, 1838, *after having landed their Cargoes of Slaves on this Coast.

1. Brig schooner "*Rosalina*," from Angola, landed 417 slaves off the entrance of this port; they were afterwards taken by land to the depository of Pereira, at Botafogo.

2. Patacho "*Lealdade*," from Angola, landed 357 slaves at the house of Colonel Vasco, near Fort S. Joao; they were afterwards taken by land to the depository of Colonel Tota, at S. Clemente.

3. Brig schooner "*Flor de Loanda*," from Angola, disembarked into canoes, close to the entrance of the port, 377 slaves, which were landed at the Bay of Jurujuba.

4. Brig schooner "*Esperança*," from Cabinda, landed 600 slaves at the house of Colonel Vasco, near Fort S. Joao; they were afterwards taken by land to the depository of Colonel Tota, at S. Clemente.

5. Sumaca "*Treze de Junho*," from Benguela, disembarked into canoes, close to the entrance of the port, 285 slaves, which were landed at Botafogo.

6. Brig "*Generoso Feliz*," from Quillimane, landed 725 slaves at Ilha Grande, for account of Senhor Martin, who resides at the Gloria.

7. Smack "*Zenobia*," from Angola, disembarked into canoes, close to the entrance of the port, 298 slaves, which were landed at the depository of Pereira, at Botafogo.

8. Schooner "*Minerva*," from Angola, landed 304 slaves at Ponte Negra.

9. Schooner "*Andorinha*," from Angola, disembarked into canoes, close to the entrance of the port, 293 slaves, which were landed at the depository of Pereira, at Botafogo.

Total number of slaves imported by 9 vessels as above, 3656.

Rio de Janeiro, 1st December, 1838.

No. 67.

Mr. Ouseley to Viscount Palmerston.—(Received February 6, 1839.)

My Lord, *Rio de Janeiro, December 15*, 1838.

Sometime ago the Marquis of Barbacena called on me, and took occasion to mention that, having met with unexpected opposition on the part of the Administration, to the adoption of his projected law on the Slave Trade, he had made inquiries as to the motives which actuated the Government in opposing it; and he had, he said, been informed, that it was in consequence of the disapprobation of his proposed measure, lately shown by Her Majesty's Legation, that the Imperial Government had discountenanced its adoption by the General Legislative Assembly.

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His Excellency added, that he could scarcely give credit to the asserted origin of the opposition to his proposal; as he was certain that the Government of Great Britain, being so anxious to put an end to Slave Trade, could never have disapproved of a measure so well calculated to attain that object.

His Excellency asked me, whether I was not of opinion, knowing this country as well (he was pleased to say) as I did, that his proposal was in fact well adapted effectually to suppress the traffic in Africans. When I objected to parts of it, as for instance, the clause confirming the slavery of Africans, when once landed in Brazil, he allowed that that point appeared to favour the slave dealer; but observed that the real state of the country must be taken into consideration, and in fine, that his measures, or any other really calculated to suppress the Slave Trade, never could be carried without allowing that, or a similar clause to be inserted; that we must look to what was practicable in reality; and that, without the sort of amnesty which he proposed, his bill never could pass, as the members of the Legislative body would be in part generally condemning themselves, by allowing the criminality of possessing, or introducing "boçal" or new negroes; that a proof of the really good tendency of his motion, was to be found in its unpopularity with the slave-dealers, those persons having at first favoured his projected law; but latterly, and on mature reflection, having discovered its real utility in putting an end to their malpractices, they universally opposed its adoption.

There are doubtless parts of the Marquis of Barbacena's proposed law, which are well adapted for the suppression of the Slave Trade, and which have accordingly met with your Lordship's approbation; but as a whole, I fear its effect would be, if not to increase the Slave Trade already carried on to so great an extent on this coast, at least, to give a still greater chance of impunity to those who purchase negroes fraudulently introduced, even than they unfortunately for the interests of humanity, have at present.

I have, &c.

(Signed) W. G. OUSELEY.

The Right Hon. Viscount Palmerston, G.C.B., &c. &c. &c.

No. 68.

Mr. Ouseley to Viscount Palmerston.—(Received July 6, 1839.)

(Extract.) *Rio de Janeiro, December 15th,* 1838.

I HAVE the honour to inform you, that the brigantine "*Diligente,*" under Portuguese colours, has been sent in for adjudication by the Mixed Commission, having been taken by Her Majesty's sloop "Electra," Captain Preston, with 302 slaves on board.

Her Majesty's Commissioners have officially notified to me, that the papers belonging to the "*Diligente*" have been brought into Court by Lieutenant Heseltine, the officer in charge of the slaver.

Mr. Hesketh signified to me his perfect readiness to undertake the task of prosecutor in the present case, but on communicating to Her Majesty's commissioners the proposed plan, Sir George Jackson (I believe), suggested that in a legal point of view, it would be inexpedient that Mr. Hesketh should thus act, as by the Treaty, in case of the absence or failure of the first Commissioner, Her Majesty's Consul takes his place, and thus a possibility occurs of his becoming the judge in any case brought before the Mixed Court; consequently he could not with propriety, appear as prosecutor.

Although this objection is founded upon the possibility of a circumstance that appears unlikely to occur, yet it may legally be fatal; and we shall probably be obliged to have recourse to some other person to act ostensibly as proctor or prosecutor. At present it seems to me, that Mr. Heseltine, the officer in whose charge the "*Diligente*" is placed, would be the most eligible person to be the nominal prosecutor. I shall, however, consult with the Commodore and others on this point, and have the honour of submitting to your Lordship the plan adopted, probably by the "Harrier" corvette, which is daily expected here on her way to England.

There appears little doubt, from what I have already learnt of the intended defence of the owners of the "*Diligente,*" of the condemnation of that vessel; but

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the question of the non-admission of embargoes, which I have frequently urged on the Brazilian Government, but hitherto in vain, becomes one of importance, as it very much delays, although it cannot ultimately prevent, I think, the favourable decision of this case; I mean the condemnation of this slaver.

No. 69.

Mr. Ouseley to Viscount Palmerston.—(*Received March* 20.)

My Lord, *Rio de Janeiro, January 9th,* 1839.

I have the honour to acknowledge the receipt, on the 3rd instant, by Her Majesty's packet "Seagull," of your Lordship's Despatches Slave Trade Series, dated the 15th, and 29th of October last, with their enclosures.

I have &c.

(Signed) W. G. OUSELEY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 70.

Mr. Ouseley to Viscount Palmerston.—(*Received March* 20.)

(Extract.) *Rio de Janeiro, January 12th,* 1839.

I received yesterday from Her Majesty's Commissioners, official notification of the condemnation of the brig "*Diligente*," lately detained by Her Majesty's ship "Electra," with 302 Africans on board, and sent into this port for adjudication before the Mixed Commission Court.

The slave schooner "*Felix*" has also been detained, and brought, as the Commissioners inform me, before the Mixed Court, having had, when captured by Her Majesty's brig "Wizard," Lieutenant Birch commanding, 236 Africans on board.

No. 71.

Mr. Ouseley to Viscount Palmerston.—(*Received March* 20,)

My Lord, *Rio de Janeiro, January 12th,* 1839.

I have the honour to transmit to your Lordship a return of the Portuguese slave-vessels which have entered this harbour during the month of December, 1838, after having landed their cargoes of Africans in the neighbourhood.

I have, &c.

(Signed) W. G. OUSELEY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 71.

Returns of Vessels engaged in the Slave Trade which have entered this Port under the Portuguese Flag during the Month of December, 1838.

1. Brig schooner "*Flor do Rio*," from Angola, landed 413 slaves at the Alto Moirad.
2. Brig "*Dois Irmaos*," from Angola, landed 573 slaves at the estate of Dois Rios, in the Ilha Grande.
3. Patacho "*Triumfo*," from Angola, landed 304 slaves at Campos.
4. Brig "*Pompeio*," from Rio Zaire, landed 519 slaves at St. Sebastiad.
5. Brig "*Fortuna*," from Quilimane, landed 602 slaves at Campos.
6. Brig "*Triumfo de Inveja*," from Quilimane, landed 720 slaves at the entrance of this port.

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7. Barque "*Quarto de Marco,*" from Quilimane, landed 800 slaves at the Alto Morraõ.

8. Patacho "*Legeiro,*" from Benguela, landed 209 slaves at the entrance of this port.

9. Brig schooner "*Diligente,*" from Benguela, captured by Her Majesty's ship "Electra," with 295 slaves on board.

10. Brig schooner "*Feliz,*" from Benguela, captured by Her Majesty's ship "Wizard," with 233 slaves on board.

Total number of slaves imported by 10 vessels, as above, 4668.

During the year 1838, 84 vessels, under the Portuguese flag, have entered this port, and by them 36,974 slaves have been imported. Although the number of vessels, and of slaves imported, be less than in the preceding year, the trade cannot be considered as having diminished; for the reduced number of slaves imported in 1838, is to be accounted for by several of the traders having ordered their vessels to discharge at other ports of Brazil, and fit out from thence.

No. 72.

Mr. Ouseley to Viscount Palmerston.—(*Received March* 20.)

(Extract.) *Rio de Janeiro, January* 15*th*, 1839.

Her Majesty's brig "Wizard," Lieutenant Birch, lately brought in a slaver for adjudication by the Mixed Commission, with 239 negroes on board. The name of this vessel is the "*Feliz.*" Some weeks ago I obtained, incidentally, an extract from the log-book of Her Majesty's ship "Herald," Captain Nias, (of which I have the honour to enclose a summary,) mentioning that a vessel under Brazilian colours was overhauled by her soon after leaving this coast. The vessel was completely fitted up for the Slave Trade, and the name asserted to be the "*Feliz Aurora.*" Captain Nias did not detain this slaver, conceiving, I presume, that it could not be condemned unless Africans were found on board, but forwarded the extract from his boarding-book to Rio. It appears to me possible that this vessel, boarded by Captain Nias, might be that which was lately captured by the "Wizard;" I therefore sent to Her Majesty's Commissioners a note, enclosing a copy of the extract from the "Herald's" boarding-book respecting the "*Feliz Aurora,*" hoping that it might be useful either on the present or a subsequent occasion.

In answer to my note, I received from the Commissioners a reply, in which they lament that the "*Feliz Aurora*" was not sent in by Captain Nias, as they have little doubt of her liability to condemnation, on proof of the alleged equipment being given; although the slaver captured by Mr. Birch cannot, they are of opinion, be the same.

Her Majesty's frigate "Stag," the flag-ship on this station, Commodore Sulivan, was, at the moment I received this answer, about to sail for Montevideo and the Falkland Islands. I lost no time, therefore, in transmitting to the Commodore a letter, enclosing a copy of that from the Commissioners, and suggesting the expediency of furnishing the officers in command of Her Majesty's vessels in this squadron with instructions founded on this opinion officially expressed by the Commissioners.

The opinion of the Commissioners as to the liability of vessels under Brazilian colours, fitted up for the Slave Trade, to condemnation, whether Africans are found on board or not, although it does not appear to have been acted upon successfully, (except in the case of the "*Paquete do Sul,*" under circumstances not exactly similar,) is satisfactory.

The practical effects of seizing or condemning vessels fitted out for carrying on the Slave Trade, when on their outward voyage from the ports of Brazil, would be most beneficial, and would be likely to contribute to the interests of humanity, and even of the final extinction of that inhuman traffic, much more than the capture of slavers on their return with Africans on board. The sufferings endured by the Negroes on their passage from Africa, would be prevented, and the demand on the coast for human beings for the Slave Markets, would be diminished. The expenses and difficulties attending the custody and support of the Africans while under ad-

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judication here, would likewise be avoided, and the price of the slave-vessels and of the cargoes which they may take from hence to exchange for Negroes on the coast of Africa, would be much more likely to defray the expenses incurred in their capture, when thus condemned, than when intercepted on their return with their living cargoes.

Were the fate of the Africans who are *de jure* liberated by the Commissioners, less liable to uncertainty as to their obtaining ultimate freedom, it perhaps would be more advantageous to them to be taken by our cruizers after having been placed on board the slavers; but I regret to say that there is but too much reason to apprehend, that the attainment of unconditional freedom, which is the end contemplated by the provisions of the Slave Trade Treaty, is very seldom secured to the Africans who are placed, after the condemnation of the Prizes, entirely under the control, I can hardly say protection, of the Brazilian Authorities.

Copies are subjoined of the correspondence on this subject, with Her Majesty's Commissioners and Commodore Sulivan.

Her Majesty's ship "Stag" sailed this morning for Montevideo.

First Enclosure in No. 72.

Mr. Ouseley to Her Majesty's Commissioners.

GENTLEMEN, *Rio de Janeiro, January* 9, 1839.

I HEREWITH enclose for your information, an extract from the boarding book of Her Majesty's sloop "Herald," which I have incidentally obtained, mentioning some particulars relative to a brigantine under Brazilian colours, which was examined and found to be evidently equipped for the Slave Trade.

The name of this brigantine is stated to be "*Feliz Aurora.*" I perceive by your note to me of the 5th instant, that a slaver lately brought in by Her Majesty's brig-of-war "Wizard," is called the "*Feliz;*" it is possible that it may be the same vessel, and the enclosed document may assist in affording a clue to the true character of the lately captured slaver. If not, the information may be useful, should the vessel in question be on some future occasion, captured by Her Majesty's Cruizers.

I have, &c.

(Signed) W. G. OUSELEY.

Her Majesty's Commissioners.
&c. &c. &c.

Sub-Enclosure.

Information taken from the Boarding-book of Her Majesty's Ship "Herald."

ON the 9th October, 1838, the "Herald" fell in with the brigantine "*Feliz Aurora,*" under Brazilian colours, of 166 tons, J. Caetano, Master and Owner. This vessel belonged to Rio de Janeiro, whence she sailed on the 30th September, was completely equipped and fitted for slaves, having two large water-casks upon deck, extending nearly one-third on each side of the deck, fitted with separate boxes for slaves, had large brick-built coppers, and had her log completely written every day, showing that she left Rio in the state we met her in.

(Signed) JOSEPH NIAS, *Captain.*

Second Enclosure in No. 72.

Her Majesty's Commissioners to Mr. Ouseley.

SIR, *Rio de Janeiro, 12th January,* 1839.

WE have to acknowledge your letter of the 9th instant, enclosing, for our information, an extract from the boarding book of Her Majesty's ship "Herald," containing some particulars relative to a brigantine under Brazilian colours, found to be evidently equipped for the Slave Trade; and we can only lament that, under such circumstances (supposing Captain Nias to have had the requisite instructions), the "*Feliz Aurora*" should not have been detained, as we have little doubt of her liability to condemnation on proof of the alleged equipment being given.

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The date of the passport with which the "*Felix*" sailed from the coast, and that of the visit of the "*Felix Aurora*," precludes the idea of identity, but in the event of the capture of the latter, the information may be useful.

We have, &c.

(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

W. G. Ouseley, Esq.,
&c. &c. &c.

Third Enclosure in No. 72.

Mr. Ouseley to Commodore Sulivan.

SIR, *Rio de Janeiro, January 14th,* 1839.

SOME days ago I forwarded to Her Majesty's Commissioners an extract from the boarding-book of the "Herald," which I had incidentally obtained relative to a slave brigantine under Brazilian colours, called the "*Felix Aurora*," which Captain Nias overhauled off the coast of Brazil, on the 9th October last, and found completely fitted for the Slave Trade. The name being partly similar to that of the vessel captured by Mr. Birch, I thought the extract might be of some use, if not on the present, on some future occasion.

I enclose you a copy of the Commissioners' reply, in which you will observe, that the proof of equipment for Slave Trade would, in their opinion, have most probably rendered her liable to condemnation. I think it, therefore, my duty, on the eve of your temporarily leaving this harbour, to inform you of this opinion, for the guidance of the officers in command of vessels upon this coast.

Aware as I am of your zeal for the furtherance of the objects of Her Majesty's Government, and your desire to contribute to suppress this infamous traffic in Africans, at present so notoriously carried on to a great extent on this coast, it would be superfluous for me to suggest, that instructions, in conformity with the above opinion of the Commissioners, be furnished to the squadron under your command. I may, perhaps, also take the liberty of reminding you, that for vessels condemned as being equipped for the Slave Trade a bounty is, I believe, by a late Act of Parliament, paid per *tonnage*, although this is merely a secondary consideration, and one which would in nowise influence the conduct of Her Majesty's officers in the performance of their duty, yet, as it affects their interest, it ought not to be forgotten. But, as an incentive, were any required, to additional vigilance on the part of Her Majesty's cruizers, it should be borne in mind that the amount of human suffering spared, and the probability of ultimately suppressing the Slave Trade, would be infinitely greater if the slavers were captured and condemned when sailing from the ports of Brazil, than when intercepted on their return. This is so obvious, that it is unnecessary to enlarge either upon the miseries inflicted upon the Africans during their passage, or on the losses that would result to those who supply negroes in the ports of Africa for the slavers, by the capture of the vessels on their leaving the American coast, rather than after they had reached Brazilian waters.

I have, &c.

(Signed) WILLIAM GORE OUSELEY.

Commodore Sulivan, C.B.,
&c. &c. &c.

No. 73.

Mr. Ouseley to Viscount Palmerston.—(Received March 20.)

(Extract.) *Rio de Janeiro, January 19th,* 1839.

IN the case of the slaver, the "*Diligente*," lately condemned by the Mixed Commission here, the advocate of the owner presented embargoes to the sentence, and the Brazilian Commissioners, not having been instructed to refuse them, while Her Majesty's Commissioners, acting upon the instructions received from the Foreign Office, and of course having declined to take cognizance of them, I have thought it my duty, in order to prevent expensive and disastrous delay, to urge the Brazilian Government strongly on the subject. I thought it would add force to my representations, to embody in the note which I addressed to the Impe-

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rial Government on this occasion the substance of the instructions that had been received at different times from your Lordship, as, for instance, those contained in your Lordship's Despatch to me of October 15th of last year, relative to the remonstrances made by Mr. Gordon (on the connivance and laxity of the Imperial Authorities with slavers and their abettors), and in various despatches addressed to Mr. Hamilton and others on the subject of the Slave Trade generally. In my note, a copy of which, and of its enclosures, I have the honour to transmit, it appeared also advisable to recapitulate the many subjects of complaint that have accumulated of late, and on which I have hitherto only touched slightly.

I have added a list of the number of negroes illicitly imported during the last six months, accompanied with observations, and the denunciation of several individuals here, for participation in the Slave Trade, and made a general recapitulation of the whole subject, urging them strongly, on various points, to fulfil their engagements with the Queen's Government, and, as an earnest of future good faith and co-operation on this subject, to give the required instruction to their Commissioners.

First Enclosure in No. 73.

Mr. Ouseley to Senhor M. Monteiro.

Rio de Janeiro, January 15th, 1839.

It is with much regret that the Undersigned, &c,. has again to address his Excellency Senhor Maciel Monteiro, &c., on a proposal that he had hoped, from the assurances given him on more than one occasion, would have been acceded to before this time by the Imperial Government. The Undersigned, referring to the correspondence and conversations that have taken place at different times with his Excellency, on the non-admission of the embargoes, in cases of slavers brought before the Mixed Commission, under the convention for the Slave-Trade Suppression, as well as on other topics connected with that subject, has ever met with the strongest promises of co-operation on the part of the Brazilian Government, for the attainment of an object in which Her Majesty's Government take the most zealous interest—the extinction of a criminal traffic, odious to all civilized nations. The Imperial Government has constantly professed entire sympathy with the feelings of the British nation and Government on this subject, and a desire has been expressed by it to go hand in hand with Great Britain in endeavouring, by every means in its power, to put an end to the importation of Africans into this empire.

The impressions which the Undersigned had much satisfaction in conveying to his Court were naturally in conformity with the expressed sentiments of the Brazilian Government; nor could he anticipate that, in the first case that has been brought before the Mixed Commission since that of the "*Brilhante*," the admission of embargoes should again be insisted upon by the Brazilian Commissioner, as appears by a late note from Her Majesty's Commissioners, in which they announce to the Undersigned the condemnation of the slave-vessel "*Diligente*," and the presentation of embargoes by the Advocate of the owner, which the Brazilian Commissioner is instructed by his Government to accept.

The Undersigned laments to perceive, that the conduct of the Imperial Government on this occasion does not accord with the professed wish to promote the suppression of the Slave Trade by every means in their power.

It is with pain also that the Undersigned is obliged to state, that the results of the general conduct of the Imperial Government are such as to throw much doubt on the sincerity of their zeal in this cause. By reference to the enclosed papers, his Excellency will perceive that, in the neighbourhood of this capital alone, about 20,000 negroes have been landed in the space of the last six months; and the Undersigned is prepared to furnish, on a future occasion, the names of every vessel, together with the number imported by each, the places in which they are landed, and the names of the persons who received them, in order that the Imperial Government may proceed to put in force the laws against this traffic.

It will be impossible to acquit the Imperial Government at least of lukewarmness, or wilful blindness to the open manner in which the Slave Trade is often carried on by its own officers,—but principally by the Portuguese inhabitants of this empire,—when we see troops of newly-imported negroes march through

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different parts of the town and suburbs. The other day a large party were even taken to the Praia dos Mineiros in open day; and, as some interference was anticipated, escorted by several white men and by negroes armed with large clubs and long knives at their sides, and thus passing under the immediate observation of national guards and permanentes in uniform, who looked on with perfect indifference. When we see also depositories for "New Negroes" in several places close to this capital, as for instance, in the bay of Jurujuba, at the Ponte-Caju,—the latter with warehouses close to the beach for the reception of these unhappy beings; at Botafogo and San Clemente there are also deposits of Africans. The first named of these deposits, or slave-markets, is kept by Jozé de Souza, Jozé Bernardino de Sa, Jozé Pimento, (junior,) and Joâo Machado Cardoza. These persons, who habitually act in direct violation and defiance of the laws of Brazil, have had at one time as many as 6000 Africans in their power, whom they have sold into slavery.

In the town of Itagoahy, near Ilha Grande, negroes illegally reduced to slavery are daily sold, as openly as they were in this city, in the slave market, before the prohibition of the Slave Trade.

The names could be given of many of the persons implicated in these nefarious transactions, but it is an ungrateful task, and, when not becomingly followed by energetic measures on the part of the Brazilian Government, worse than useless; it would be, however wrong, not to point out the glaring misconduct of certain officers in the employment of the Imperial Government. It is publicly known that Colonel Vasco, the Commandant of the Fort Sâo Joâo, is one of the most active asssistants in the importation of Africans.

No longer ago than the month of November, the patacho "*Lealdade*," from Angola, landed 357 Africans at the house of this person, who were afterwards taken by land to the depository of Colonel Tota at San Clemente. The brig-schooner, "*Esperança*," also, from Cabinda, landed 600 at Colonel Vasco's, near Fort Sâo Joâo. In September of last year, the schooner "*Josephine*," from Benguela, landed 345 Africans, and did not finish the landing until after sunrise, so that it was observed from the fort, *and Colonel Vasco assisted the landing in person;* these were also delivered to Colonel Tota, at San Clemente. These criminal acts would only throw scandal upon those who are guilty of them, if the apparent connivance, by many interpreted as approbation, of the Government, did not make it responsible for the outrages thus committed on humanity.

The Undersigned could multiply instances, and give the names and particulars relating to many acts of this nature, and is prepared so to do. But he is particularly instructed by his Government, in reference to the note addressed by Mr. Gordon to Senhor Monteiro, on the 26th March of last year, to remark in the strongest terms, on the evident connivance of the Brazilian authorities with persons connected with the Slave Trade, and the inattention of the Imperial Government to the repeated representations of Her Majesty's legation on this subject.

More particularly the Undersigned has to observe, that the assertion of the inaccuracy of the information upon which Mr. Gordon's representation is founded, in the note addressed to the Undersigned by his Excellency the Minister for Foreign Affairs, on the 19th July last, is far from being proved; on the contrary, Her Majesty's Government is of opinion, that Mr. Gordon was fully justified in founding a representation upon the circumstances reported to him, and considers itself entitled to receive from the Government of Brazil, a cordial and effective co-operation in execution of existing stipulations, as well as in conformity with the repeated professions of the Imperial Government.

Yet, how are these professions realized?

In the month of September last, information was given to the Supreme Government of this country, that a brig-schooner, the "*Doze de Outubro*," had arrived on the coast from Mozambique; and it was determined (as indeed the Undersigned was informed at the time by his Excellency Senhor Monteiro) to send the brig-of-war "Constantia," to capture this slaver, and doubtless the real intention of the supreme authority was to take the vessel. But information was privately sent to one Joaquim Moreira Pinto, an adopted Brazilian subject, and a notorious slave trader, and one of those engaged in the Insurance Company, established unblushingly here for the insurance of slave vessels; and in consequence, canoes were sent outside the harbour to land the Africans.

Of course, when the "*Constantia*" sailed, she found the "*Doze de Outubro*" without negroes on board.

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The Commander of the "*Constantia*" had been told by more than one person before he sailed, what would be the issue of his cruize; and although the equipment and extra water-casks, and the stench peculiar to slavers, sufficiently proved the nature of the vessel, the Commander did not bring her into port as a prize. This vessel belongs to one Joâo Pereira and his brother, natives of Madeira. The Undersigned could name the person who (however incredible it may appear) forwarded the information that defeated the just and praiseworthy intentions of the executive on this occasion, but does not think it expedient so to do at present.

It is with unfeigned regret, that the Undersigned perceives, that the means and power of the Imperial Government, are not exerted with energy or frankness, to put down the increasing and glaring evil of the importation of Africans. The mere forms of law are made use of, rather to protect than to bring to light the real employment of slavers, as well on leaving this harbour, as on their entrance. A Juiz de Paz goes through the form of examination; asks of the parties interested a few questions, and then absolves them of all crime; when it is notorious as the sun at noon-day, that these vessels are employed solely by, and for the slave-traders; and that a certain sum is paid per head, as a per centage on all the unfortunate victims of these unprincipled speculators, and their abettors in authority, whether unworthily belonging to this Empire, or abusing the flag of Portugal,—and this daily, under the very face of the Government, and in direct violation of the laws of this country, as well as of its Treaties with foreign nations.

The Undersigned subjoins an extract from the log-book of Her Majesty's ship, "Herald," which examined a vessel under Brazilian colours, only a few days from this port, completely fitted up for the Slave Trade, yet was suffered unmolested to leave the harbour, by the connivance of the authorities.

But it may be answered, and has been urged, that although there may be a moral certainty of the guilt of many principals and their accomplices, in these criminal proceedings, yet a legal conviction is very difficult, and when the corruption arising from the practice of slave-dealing is so universal as it is here, next to impossible. To a certain degree, this argument may be admitted as partially accounting for the uninterrupted impunity, with which these violations of law and morality are perpetrated. The Undersigned is aware, that in all the late cases of slavers captured, such threats have been held out against the persons and lives of those who might be employed to bring the truth to light, before the Mixed Commission, that they have been deterred from acting, and nothing but the open clearness of the guilt of the parties, could have procured their condemnation, under the extreme disadvantages of the position of the prosecutors.

But when a tangible and positive mode of interfering with the illegal practices of these criminals, is within the undisputed power of the administration, it behoves it to put in force that power, or to incur the possible imputation of indifference on the subject, if not approbation of these infractions of law and Treaty. The Undersigned alludes to the right possessed by the Government, of sending a foreigner out of the country, particularly when vehement suspicion exists, or when, in the absence of merely legal proof, moral certainty of guilt is evident.

In the relatorio of His Excellency, Senhor Vasconcellos, the Minister of Justice to the Legislative Assembly, he states, under the head of Police, that in December of 1837, a French watchmaker, named Megrat, was robbed. Two foreigners were suspected of the crime, and apprehended; for want of proofs, they would have been liberated; but, as they were foreigners, the Government shipped them on board a vessel for Cowes.

A similar instance of the Government sending out of the country a foreigner accused of crime, when there was a deficiency of proof to convict them, occurred last year; a person named Vizon was accused of passing false paper money, and was sent to Europe.

In 1834, Anastasio Joze Ribeiro, the owner of the "*Maria de Gloria*," captured with Africans on board, was ordered by the Government to leave the country; and although he afterwards found means by bribery to evade the sentence, it was not the less undisputed.

It follows, therefore, that the Imperial Government has only to determine sincerely, to act in conformity with the assurances, that the Undersigned has so frequently received, and which have been so often repeated on former occasions to his Court, as well as in accordance with their positive engagements, to give a severe blow to the illegal and disastrous efforts of the slave-traders, principally Portu-

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guese, who inundate this country with the barbarism and indolence of Africa, which every enlightened statesman, who has the good of Brazil at heart, wishes to see replaced by the intelligence and activity of European colonists, in aid of the improving habits and industry of the Brazilian working classes, the developement of whose energies is effectually retarded by this fatal traffic.

The Undersigned will, on a fitting occasion, furnish the Imperial Government with a list of those persons, chiefly Portuguese, who disgrace their own country, and inflict much evil on this, by carrying on this unlawful trade; and has full confidence in the result of the energetic measures which he doubts not will, in consequence, be adopted by the Government of His Imperial Majesty.

With respect to the embargoes, the admission of which is a received practice peculiar to Brazilian tribunals, the Queen's Government has, as the Imperial Government is long since aware, instructed Her Majesty's Commissioners to dispense with the admission of them in future, whether on the part of the captors, or the slave-vessels. And although this may appear a formality that (particularly in the present cases of the "*Diligente*" and "*Feliz*," where no possible doubt can exist of the conviction of the vessels captured,) is rather unimportant, yet, as it may in some cases cause considerable delay, and consequently increased expenditure, (the excess of which, beyond the proceeds of the vessel, will, however, fall upon the Imperial Government,) it is highly expedient no longer to tolerate a usage interpolated in the proceedings of the Commission.

Besides, if the concession be unimportant, its refusal is the more calculated to shew an *animus*,—a feeling of unwillingness to act in conformity with the just views of the Queen's Government, that the Undersigned is far from desirous of attributing to the enlightened Government of Brazil. It must be remembered, that the Mixed Commission is not a Brazilian tribunal, and as well might the peculiar forms of British Jurisprudence be introduced in its practice, as those of Brazil; neither, however, are admissible. The laws by which the Commissioners are to be solely guided, consist in the stipulations of the convention under which they are named, and the instructions that they may from time to time receive from their respective Governments; therefore it depends at present entirely on the instructions given by the Imperial Government, to do away at once with a form which has been tacitly tolerated, till found unnecessarily to clog the proceedings of the Mixed Court.

That they are dispensed with in all other Commissions, is, it is feared, an additional proof of the difficulty of obtaining for the prosecution of cases connected with the Slave Trade, the same countenance on the part of the Imperial Government as is afforded in all others.

At this moment a Mixed Brazilian and Portuguese Court is sitting, and every day pronouncing sentences to which no embargoes are admitted. In the Mixed Court also, named for the liquidation of the prize claims between Great Britain and Brazil, the agent for the British claimants, on more than one occasion, presented embargoes, which were uniformly rejected,—as the sentences were declared *final*. In short it is useless to multiply examples; the Undersigned has only to fulfil the instructions of his Court, in requiring at the hands of the Imperial Government the fulfilment of their engagements, and that, conformably to their repeated assurances of adherence, in all matters relating to the Slave Trade, they will cause an instruction to be addressed to their Commissioners, to reject all embargoes that may henceforward be presented to the sentences of the commission.

The refusal of so just and simple a proposal, made in the interests of Brazil, cannot be anticipated by the Undersigned, but should, unfortunately, any sinister influence interest itself so far for the dealers in human beings, as to interpose difficulties in the way of that frank and sincere adoption of the proposed measure, which the Undersigned is prepared to expect, he can only lament the probable consequences of this unfriendly demonstration, and must, beforehand, exonerate himself from having in any way contributed to the state of things that may ensue. It has been his constant endeavour to preserve the utmost good feeling and amicable understanding in relation to this painful subject, as well as in regard to all other questions between the two Governments, and he would deplore the unfortunate tenacity which should uphold any part of a system calculated, even in appearance, to encourage and protect these enemies of the law and humanity, whom it is the duty, and should be the inclination, of every wise and civilized Government to crush by every means in their power.

The Undersigned trusts that the Imperial Government will not be backward in

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giving a proof of their intention to support the exertions of that of Great Britain, to put an end to the Slave Trade, by not only acceding to the proposed non-reception of embargoes by the Mixed Court, but by using every effort that their military and naval resources may leave at their disposal, to seek out and bring to justice the violators of the law on this head. The Imperial Government will find a ready assistance on the part of Her Majesty's officers in any branch of the Queen's service. Should additional force be required, in aid of that of His Imperial Majesty, to root out and destroy the haunts of the slave dealers, and other pirates, to whom he has already alluded, it will be readily furnished, and the Undersigned will hail with the greatest satisfaction any demonstration of a real and practical co-operation, on the part of the Imperial Government.

But whether or not the Councils of this Empire are so constituted, that the good intentions of the Government are unfortunately not permitted to be carried into effect, it becomes the imperative duty of the Undersigned to remind the Imperial Government, by order of his Court, that Great Britain has resolved, in conjunction with her Allies, to put an end to the Slave Trade, nor will she be deterred by any obstacles, of whatever nature, and, however painful to the friendly feelings which actuate her towards Brazil, from promptly using the means she possesses, in order to carry into effect this her resolution, dictated at once by justice, humanity, and policy.

The Undersigned, knowing the just and honourable feelings and principles on this subject of Senhor Maciel Monteiro, implores His Excellency to use his best efforts to induce the Imperial Government to act sincerely in accordance with that of Her Majesty, in contributing to the extinction of the Slave Trade, and at the present moment, as an earnest of future harmony and good intelligence, to accede to the proposed suppression of a cumbrous and inapplicable technicality, in the forms of procedure of the Mixed Commission Court.

The Undersigned avails, &c.

(Signed) W. G. OUSELEY.

His Excellency Senhor M. Monteiro,
&c. &c. &c.

Second Enclosure in No. 73.

Number of Africans illegally imported into the Harbour of Rio de Janeiro and its Vicinity, during the last six months of the year 1838.

July	1,928
August	889*
September	3,828
October	4,676
November	3,656
December	4,668
	19,645

This is the number of negroes ascertained, without a doubt, to have been imported in vessels all under the Portuguese flag during six months: in the month of June 3,863 were imported. But if we take into consideration the vessels which have clandestinely landed Africans on the coast of this Province, the number would be much greater. In the whole year 84 slave vessels have entered this port almost openly, going through the formality, become almost ridiculous, of being examined by a Juiz de Paz, and imported 36,974 negroes with impunity; but the real number imported into this Province is probably 40,000 or upwards.

These 84 vessels were all under the Portuguese flag.

Third Enclosure in No. 73.

Information taken from the Boarding Book of Her Majesty's Ship "Herald."

On the 9th October, 1838, the "Herald" fell in with the brigantine "*Felix Aurora*," under Brazilian colours, of 166 tons, J. Caetano, Master and Owner.

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* The Market overstocked, and a consequent limited importation.

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This vessel belonged to Rio de Janeiro, whence she sailed on the 30th September, was completely equipped and fitted for slaves, having two large water casks upon deck, extending nearly one-third on each side of the deck, fitted with separate boxes for slaves, had large brick-built coppers, and had the Log completely written every day, showing that she left Rio in the state we met her in.

(Signed) JOHN NIAS, *Captain.*

No. 74.

Mr. Ouseley to Viscount Palmerston.—(*Received March* 20.)

(Extract.) *Rio de Janeiro, January* 21, 1839.

AN article appeared two or three days ago in a morning paper of this capital, publishing a Petition to the Emperor of Brazil from the Proctor or Advocate of the Slave-trader in the case of the "*Diligente*," lately condemned by the Mixed Commission, to the effect that His Imperial Majesty is implored to cause instructions to be issued to the Commission to accept the embargoes presented by the petitioner, and making some observations calculated to influence the public mind on a subject which, like all those relating to the measures suppressive of the Slave Trade, causes irritation and general excitement in this country, but particularly at the seat of government.

I have the honour to subjoin a copy and translation of this article, together with those of a reply to it, which appeared in the same journal that had published the petition.

Enclosure in No. 74.

(Translation.) (*Extract from a Newspaper.*)

MR. EDITOR,

As the question of the Portuguese brig schooner "*Diligente*," captured by Her Britannic Majesty's ship "Electra," has attracted the public attention, and called forth universal interest, I have to request that you will publish the following petition made by the solicitor for the vessel, and addressed to the Minister for Foreign Affairs, in order that the Commission may be instructed to receive the embargoes offered against that sentence, inasmuch as the Mixed Brazilian and British Commission replied to that petition that "*there was a difference of opinion between the two Judges, and therefore that the Claimant might appeal to whomsoever he thinks fit.*"

The copies which I am now procuring of the documents on this subject I shall gradually publish, in order that the public may be made acquainted with its pitiful puerilities.

I remain, &c.

(Signed) IMPARTIAL.

"SIRE,

"THE solicitor, Joao Manoel Pereira Silva, comes before your Imperial Majesty to implore that the Mixed Brazilian and British Commission may be instructed to receive the embargoes offered by the petitioner to their sentence, in the case pending between the parties as Captor, William Preston, Commander of Her Britannic Majesty's ship "Electra," and as defendant, the Captain of the Portuguese schooner "*Diligente*," inasmuch as it considers itself authorized to condemn a vessel as a good prize, while that sentence recognizes her to be Portuguese property.

"The legislature by which we are governed, by the ordinance contained in the 3rd Book, Chapters 87 and 88, having established the principle that "*embargoes*" may be offered to any sentence whatever, which it may be wished to alter, and "*embargoes*" being "*resorts*" in law, essentially differing from "*appeals*," not only in their nature, but also in their means and effects, inasmuch as the former are directed to the same Judges who gave the sentence which it is desirable to reform, and cannot be accepted unless they contain new and relevant matter, constituting in some sort a petition, that the Judge will further analyse, revise, and

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rejudge the question; whereas "*appeals*" are resorts had to other and superior tribunals, which take cognizance of the judgments of inferior Courts, and the Treaty of 1815, and the additional Convention of 1817, concluded between Portugal and England, and adopted by Brazil, on prohibiting "*appeals*" from the sentences of the Mixed Brazilian and British Commission; inasmuch as it does not acknowledge any superior tribunal in its peculiar attributes, the principle is clear and indisputable that to these sentences embargoes may be offered, so long as an act of the Legislative Assembly does not establish the contrary.

"Moreover every precedent is in favour of this theory; inasmuch as the Mixed Commission has already received embargoes not only on one occasion, but on several, and as instances the petitioner will cite the vessels '*Flor de Loanda*,' '*Cæsar*,' and '*Brilhante*.'

"Authorized, therefore, by this general principle of law, applicable to the present case, the petitioner presented his embargoes to the sentence of the Commission which condemned the Portuguese schooner '*Diligente*,' and he received the following reply to his application—that 'there was a disagreement between the two Judges, but that the petitioner might apply to whomsoever he judged proper.'

"In consequence of which reply, the petitioner protested against the execution of the sentence, embargoes being still pending which were yet undecided, though presented within the term allowed by law: and that, consequently, the sentence could not be *definitive*.

"And he has thought it right to request Your Imperial Majesty, to deign to order that the commission shall accept the embargoes according to their weight and merits, that they may proceed to a definitive judgment; thereby upholding the dignity and decorum of the Brazilian judge, who also contends for their reception.

"It is not sufficient that appeal be denied, that there is no resource left open, that the citizens who may be judged by the Mixed Commission, are deprived of every guarantee? Must also their only remaining privilege be removed, that of offering embargoes?

"Your petitioner prays and hopes that your Imperial Majesty, on consideration of what he has alleged, will deign to accede to his request.

"And your Petitioner will ever pray.

(Signed) "JOAO MANOEL PEREIRA DA SILVA."

Second Enclosure in No. 79.

(Translation.) (*Extract from a Newspaper.*)

Mr. EDITOR,

IN your paper of the 15th instant, there is a letter published, signed ironically I suppose, "*Um Imparcial*," and forwarding a copy of a petition to His Imperial Majesty, imploring that orders be given to the Brazilian and British Mixed Commission, to receive embargoes in the case of the brig schooner "*Diligente*," condemned for introducing Africans into this country.

The ignorance shown by the writer of the petition, of the very nature of a Mixed Commission can scarcely be real, he is the legal adviser of the delinquents in this case, and can surely only feign a want of knowledge of the subject, to give him a fair excuse for making public a pretended petition to the Sovereign power.

In the first place, he must be aware that a Mixed Commission cannot be ordered by any one Government to adopt any measures in common; each Government can only address instructions to its own Commissioner, separately and respectively.

Secondly,—It is not the code of laws of Brazil, that is to guide the judgments of the Mixed Commission; as well might the British Commissioners insist that the peculiar forms of English common or statute law should be the rule for the proceedings of the Mixed Court, as the Brazilians contend for the exclusive observance of the legal usages of this empire.

The Mixed Commission is of a diplomatic nature; as a court, its only statutes are contained in the Articles of a Convention *ad hoc*, between the two high contracting parties, and its proceedings may be modified by such istructions as it may receive from time to time, from the Governments by which it is appointed.

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Thirdly.—As to precedents, every example of Mixed Commissions is against the view taken by the petitioner. The very Brazilian and Portuguese Commission now sitting here, does not admit of embargoes to its daily sentences. When the Commission sat some years ago for the liquidation of the prize claims, then in discussion between Brazil and Great Britain, the agent for the claimants wished to oppose embargoes to the decisions of that Court, but they were invariably rejected, and the answer given that the sentences were final, as they are in fact declared by Treaty to be in the present commission. With respect to the "*Brilhante*," it was only on the express condition that it was not to be considered a precedent, that the embargoes were admitted, and the previous toleration of them was never a formal acquiescence.

Finally, the petitioner considers, or affects to consider the Mixed Commission a Brazilian Tribunal, and declaims on the dignity and decorum of the bench. He forgets that the circumstance of the Brazilian Commissioner being otherwise a legal functionary, is purely accidental. Commissioners under Treaties are diplomatic, not judicial agents, and most of those composing them are not legal characters; nor is it necessary, as they have to abide by the express Articles of a Convention.

It would be giving the Brazilian Commissioner an immense advantage, if he was to bring to bear his extensive knowledge of Brazilian law, backed by his talents and well-earned reputation, in support of any difference he might have with his British colleague, who is not a lawyer, at any rate not a Brazilian lawyer, and only looks to the Treaty and his instructions.

(Signed) "AUDI ALTERAM PARTEM."

No. 75.

Viscount Palmerston to Mr. Ouseley.

SIR, *Foreign Office, March* 25, 1839.

I HEREWITH transmit to you a copy of a Despatch, and of its Enclosures, which I have received from Her Majesty's Commissioners at Sierra Leone, giving an account of the case of the slave-vesssel the "*Veloz*," detained and condemned for having been engaged in Slave Trade, contrary to the Conventions between Great Britain and Portugal.

Although the vessel, the "*Veloz*," bore the flag of Portugal, and was furnished with Portuguese papers, the adventure in which she was engaged was Brazilian. She cleared out from Pernambuco, and was at that time fitted out for Slave Trade, and had on board a large quantity of slave-irons, and could not, under these circumstances, have commenced her illegal undertaking, without the connivance of the authorities of the place from which she sailed.

Her owner was Avizedo Lisboa, a resident at Pernambuco. He was also the owner of her cargo; and her slaves were to have been landed at Pernambuco on his account, and at his risk.

The papers which were found on board the "*Veloz*" contain indisputable evidence, that Slave Trade is carried on in Brazil to an enormous extent, upon a regularly-organized system.

From these papers it appears, that, in the year 1836, an association, or joint-stock company, was formed at Pernambuco for the purposes of Slave Trade. This association consisted of twenty individuals, each of whom subscribed four millions of reis, thus creating a capital of eighty millions of reis. J. T. de Avizedo Lisboa, the owner of the "*Veloz*," is the treasurer of the company: Manoel Alves Guerra, and Joaquim Leonardeo d'Oliveira Guimariens, two other slaveholders of the company, are assistants to the treasurer at Pernambuco. The company have a slave-factory, on a very extensive scale, at Benin; and three agents have been appointed to purchase slaves, and to assist the operations of the company in that neighbourhood. Joao Baptista Cezar, the consignee of the "*Veloz*," is one of those agents: he resides at Benin. Antonio Fez Vianna, another of these agents, resides at Princes Island, in order to provide supplies for the slaves. J. T. de A. Lisboa, the treasurer, conducts the mercantile business of Messrs. A. de Silva, merchants at Pernambuco. The wife and family of J. B. Cezar, the agent at Benin, live at Pernambuco; and J. B. Cezar has been carrying on business as a mercantile agent at that place.

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The brig "*Camoens*," restored under the circumstances detailed in the accompanying copy of a Despatch from Sierra Leone, was the first vessel; and the brig "*Veloz*" was the second vessel, sent out by this company. The instructions given to the vessels to enable them to avoid capture are remarkable for the precautions, which the masters of those vessels are desired to use, for the evasions they are directed to practice, for the false statements they are enjoined to make, in order to prosecute with impunity their nefarious traffic.

You will communicate these papers to the Brazilian Government, and express the hope of Her Majesty's Government, that the information which these documents contain, will enable that Government to obtain evidence, sufficient for the purpose of punishing the violation of the laws passed by Brazil against Slave Trade; and Her Majesty's Government trusts, that the Brazilian Ministers will not lose the opportunity thus offered them, of giving to the world an unequivocal proof of their desire to put down that traffic; and that they will cause a strict investigation to be made into the statements respecting the Slave Trade Association, and will enforce rigidly upon the culprits the penalties, which the laws of Brazil prescribe for such offenders.

I am, &c.

(Signed) PALMERSTON.

W. G. Ouseley, Esq.,
&c. &c. &c.

Enclosure in No. 75.

Sierra Leone Commissioners, May 30, 1838.

(See Class A, First Series, No. 32, page 43.)

No. 76.

Viscount Palmerston to Mr. Ouseley.

SIR, *Foreign Office, April* 1, 1839.

YOUR Despatch marked "Slave Trade, Confidential," of the 19th of January, 1839, has been received.

I entirely approve the note which you addressed to M. Monteiro, on the 15th of January, 1839, and in which you added to your representations against the continuance of embargoes, remonstrances to the Brazilian Government upon other subjects, connected with the conduct of the Imperial Authorities as to the Slave Trade; and I approve of your having therein urgently called upon the Government of Brazil, for a frank and cordial co-operation with the Government of Great Britain in the suppression of that trade.

I am, &c.

(Signed) PALMERSTON.

To W. G. Ouseley, Esq.
&c. &c. &c.

No. 77.

M. Lisboa to Viscount Palmerston.

LE Soussigné, Chargé d'Affaires de Sa Majesté L'Empereur du Brésil, a l'honneur de porter à la connaissance de Son Excellence M. le Vicomte Palmerston, Principal Secrétaire d'Etat de Sa Majesté la Reine d'Angleterre au Departement des Affaires Etrangères, une importante mesure que Son Gouvernement vient d'adopter, par rapport aux jugemens prononcés par la Commission Mixte Brésilienne et Anglaise, seant à Rio de Janeiro.

C'est en présence des avis officiels, qu'il a reçus par la malle de ce jour, que le Soussigné à l'honneur d'annoncer à Lord Palmerston, qu'aux sentences émanées de la susdite Commission Mixte ne será plus applicable le recours des "Embargos;" les cas mêmes qui s'y trouvent actuellement soumis seront déjà assujettis à cette règle, qui, outre l'avantage essentiel d'un procès sommaire, établira une conformité necessaire avec les travaux de la Commission Mixte établie à Sierra Leone.

Le Soussigné vient d'apprendre par la même voie un acte de rigueur, dont a été l'objet un des employés du Gouvernement Impérial, contre qui la Légation de Sa Majesté Britannique a fait parvenir des plaintes sérieuses: il se félicite de pouvoir ajouter, qu'on allait prendre les mesures les plus énergiques contre qui-

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conque, directement ou indirectement, protégera l'infâme traite des noirs, au mepris du noble but, que les deux Couronnes ont voulu atteindre en ratifiant la Convention du 28 Juillet, 1837.

Le Soussigné s'estime heureux de pouvoir ainsi citer à Son Excellence des faits authentiques, à l'appui des Assurances qu'il a dernièrement eu l'honneur de lui donner sur les efforts sincères de son Gouvernement, pour que les clauses de la Convention de 1826, sortent leur entier et plein effet.

Des infractions nombreuses out été malheureusement commises; mais le Soussigné l'a déjà soutenu, et il a l'honneur de le répéter à Lord Palmerston, le Gouvernement Imperial le déplore aussi amèrement que qui ce soit, et est bien decidé à ne négliger aucun soin, pour mettre un terme au fatal aveuglement de eux qui s'en rendront odieusement les auteurs.

Le Soussigné, &c.

(Signé) MARQUES LISBOA.

32, *Dorset Square*, 8 *Avril*, 1839.

à Son Excellence Vicomte Palmerston,
&c. &c. &c.

Translation.

THE Undersigned, &c. has the honour to make known to His Excellency Viscount Palmerston, &c., an important measure which his Government has just adopted, with reference to the judgments pronounced by the Mixed Brazilian and English Commission, sitting at Rio de Janeiro.

It is with the official notification, which he has received by this day's mail, before him, that the Undersigned has the honour to announce to Lord Palmerston, that recourse will not be permitted to be had to "Embargoes" in sentences emanating from the above-named Mixed Commission. Even the cases now actually before the Court will be subject to this rule, which, besides the essential advantage of being a summary process, will establish the requisite conformity with the proceedings of the Mixed Commission established at Sierra Leone.

The Undersigned learns, by the same means, an act of rigour, the object of which was a person employed by the Imperial Government, against whom the Legation of Her Britannic Majesty had made serious complaints. He is happy to be able to add, that the most energetic measures were about to be taken against whosoever, directly or indirectly, should protect the infamous traffic in slaves, in despite of the noble end which the two Crowns wished to attain in ratifying the Convention of July 28, 1837.

The Undersigned thinks himself fortunate to be thus able to cite to His Excellency authentic facts, in support of the assurances which he has recently had the honour to give, of the sincere efforts of his Government, to give full and entire effect to the clauses of the Convention of 1826.

Numerous infractions have unhappily been committed; but the Undersigned has already maintained, and has now the honour to repeat to Lord Palmerston, that the Imperial Government deplores it as bitterly as any one; and is quite decided not to neglect any means for putting an end to the fatal blindness of those with whom they may originate.

The Undersigned, &c.

(Signed) MARQUES LISBOA.

32, *Dorset Square*, 8 *April*, 1839.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 78.

Mr. Ouseley to Viscount Palmerston.—(*Received April* 17.)

(Extract.) *Rio de Janeiro, February 1st*, 1839.

ON communicating to the officers commanding Her Majesty's ships of war on this station the opinion given by Her Majesty's Commissioners, as to the liability to detention, and probable condemnation of vessels fitted for the Slave Trade, although

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not having negroes on board, (as mentioned in my Despatch, Slave Trade, of the 15th January,) I found they were of opinion, that the instructions or papers alluded to might be some that had lately been drawn up, and with which they were not provided.

In order to remove doubts on the part of naval officers, that might interfere with the active exercise of their duties, I addressed a letter to Her Majesty's Commissioners, requesting a positive and explanatory answer on this head; and on the receipt of their reply, I communicated it to Captain Herbert, and have reason to hope that all hesitation, as to the propriety of detaining vessels, under the circumstances mentioned, is now removed.

I have the honour to enclose copies of the correspondence that has taken place on this subject.

First Enclosure in No. 78.

Mr. Ouseley to Her Majesty's Commissioners.

GENTLEMEN, *Rio de Janeiro, January 21st*, 1839.

REFERRING to your note of the 12th instant, respecting the slaver "*Feliz Aurora*," overhauled by Her Majesty's ship "Herald," on which I addressed you on the 9th instant, some of the officers of Her Majesty's squadron have requested to know what papers are alluded to in your note, as necessary to authorize the detention, by ships of war under their command, of vessels, without negroes on board, equipped for the Slave Trade.

To avoid the possibility of any misconception on this point, I have to request that you will be good enough to furnish me with the exact designation of the papers in question, in order to be enabled to convey from the best authority the information required.

I have, &c.
(Signed) W. G. OUSELEY.

P.S. Owing to the departure of the packet, I have only time to acknowledge the receipt of your note of this day's date, and its enclosure, this moment received, and to thank you for the information it contains.

(Signed) W. G. O.

To Her Majesty's Commissioners,
&c. &c. &c.

Second Enclosure in No. 78.

Her Majesty's Commissioners to Mr. Ouseley.

SIR, *Rio de Janeiro, 23rd January*, 1839.

YOUR letter of the 21st instant did not reach us till this morning.

In it you request to be furnished by us with the exact designation of the papers alluded to in our note of the 12th instant.

On referring to that note, we find no mention whatever of papers. The proviso to which, we presume, you refer, contemplated only the "Instructions" required by the Treaty. But we cannot, perhaps, better answer your inquiry, than by communicating to you a copy of the Despatch which we addressed to Viscount Palmerston on the subject.

We have, &c.
(Signed) GEORGE JACKSON.
FREDERICK GRIGG.

To W. G. Ouseley, Esq.,
&c. &c. &c.

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Third Enclosure in No. 78.

Mr. Ouseley to Captain Herbert, R.N.

SIR, *Rio de Janeiro, 24th January*, 1839.

WITH reference to our conversation of the other day, I enclose for your information, and that of other officers in command of Her Majesty's ships of war on this station, copies of a reply, and of its enclosures, from Her Majesty's Commissioners, to inquiries made as to the nature of the instructions required for detaining slavers under Brazilian colours, not actually having Africans on board.

You will perceive by these papers that the British Commissioners are of opinion that such vessels are liable to capture and condemnation, and that no other documents or instructions are required to authorise their detention than those hitherto furnished to vessels of war destined to cruize against slavers under the Brazilian flag, in conformity with the Articles of the Treaty for the Slave Trade Suppression.

It will, I should think, be highly satisfactory to the Queen's Government, and much conduce to an object that it has greatly at heart, viz., the complete extinction of the traffic in Africans, that this opinion be acted upon by the officers of Her Majesty's squadron; and should any further communication on this subject be, in your opinion, advisable, I shall gladly employ every means that can possibly be within reach of Her Majesty's Legation to contribute to carrying into real effect the Convention for the Suppression of the Slave Trade.

I have, &c.

(Signed) W. G. OUSELEY.

P.S. I take the liberty of recommending that this correspondence, as supplementary to my note to the Commander of Her Majesty's naval forces on this station, be communicated to Commodore Sulivan by the first eligible opportunity that may offer for sending to Montevideo.

(Signed) W. G. O.

Captain Herbert,
&c. &c. &c.

No. 79.

Mr. Ouseley to Viscount Palmerston.—(Received April 17.)

(Extract.) *Rio de Janeiro, February 16th*, 1839.

IMMEDIATELY upon the receipt of the answer to my note of the 15th ult., enclosed in my Despatch, Slave Trade, of 19th ult., there appeared in the papers of this capital a comparative statement of the naval forces of England, France Russia, and the United States, in which our navy was represented as positively inferior in force and efficacy to those of France and Russia, and proportionately to that of the United States. These statements were made principally on the authority of certain papers published in England.

A counter statement, which has appeared lately in some English papers, giving exact lists, and putting in a fair light the relative strength and efficacy of the principal navies of the world, has also been published in the two leading journals of this place.

By Lisbon papers, lately received here, it appears that they have republished there the petitions, and calumnious and outrageously false statements, which were made here on the subject of the treatment of the prisoners on board the "*Flor de Loanda*," by the officers of Her Majesty's squadron.

I have the honour to transmit also a counter-statement published here in the name of the officer in charge of the "*Flor de Loanda*."

The Portuguese Consul-General and Chargé d'Affaires has lately made public, in the papers of Rio de Janeiro, the intention of his Government to colonise Angola and other African possessions, and offers facilities and assistance to the emigrants who have arrived, and continue to come in considerable numbers from Lisbon, Oporto, and the Azores, in proceeding from hence to Angola. It appears to be the serious intention of Portugal to make use of the resources of their African

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possessions, and to endeavour to enter into competition with Brazil in the production of coffee, sugar, &c. Long articles have lately been published in the Rio journals, describing the Portuguese colonies in Africa, their capabilities, and the expediency of giving a full development to their resources. It is satisfactory to observe that some of the statements, which are made with considerable ability, mention that the great obstacle which has hitherto been opposed to the improvement and prosperity of Angola and the other Portuguese possessions, is the Slave Trade; and point out how far more really profitable would be the cultivation of the extremely fertile soil, and the encouragement of general commerce.

The statements are not made by the Portuguese Consul-General, but are, it appears, inserted by order of the Portuguese Government; and if their declared intention of colonising and improving the African colonies is fully carried into execution, the Slave Trade may be much impeded, perhaps ultimately suppressed, wherever these salutary measures are adopted.

(Translation.) Enclosure in No. 79.

Letter published in the Rio de Janeiro newspaper "Jornal do Commercio," *of the* 11*th August*, 1838.

Rio de Janeiro, on board the schooner "Flor de Loanda,"

MR. EDITOR, *July* 30*th*, 1838.

As there have been published in the *Jornal do Commercio* some letters relating to the treatment of the Master and other individuals found on board the slaver "*Flor de Loanda*," after she had been detained by Her Britannic Majesty's ship "The Rover," on the 11th of April last, I appeal to you, Sir, under the conviction that, admitting the maxim of *audi alteram partem*, you will do me, as the officer entrusted with the care of the vessel, the favour of causing to be published in your journal the following observations, in reply to the letters referred to.

The great tissue of falsities and absurdities, which I have at this moment before me, deserves no answer; but, in order to disabuse the respectable portion of your readers, and to state the real facts of the case, I have selected the only points which involve complaints, and relate to the following charges:

1. That the prisoners were not permitted to have communication with any person.
2. That they received only half rations.
3. That they were put in irons by order of the Commander of the "Rover."
4. That they were put in irons, likewise, by order of the Commander of the "Wizard," and thrown into the hold.
5. That the passenger of the name of Maia, on being attacked by the scurvy, had not been allowed to go on shore.

To which I reply in the following manner:—The first complaint merits only an absolute denial, inasmuch as access was never refused to any friend of the prisoners. They received the clean linen, fruits, and all the provisions brought them, with the exception of spirits, which are prohibited, being an indulgence which ought to be strictly forbid, from being liable to abuses.

They received two-thirds of the rations of victuals, in conformity with the regulation of the British naval service, it being the same that is regularly allowed to every British sailor or soldier, when they are embarked as passengers, and not required to do any work.

Barbosa, the master of the "*Flor de Loanda*" remained on board that vessel till the "Rover" came to an anchor in the port of Rio de Janeiro, when he was passed on board the latter; and, in spite of orders to the contrary, persisted in hailing boats to come alongside, for which misconduct, and other refractory acts, he was put in irons, only during one night, a proceeding which is common, not only on board all the national ships of war, but also in merchant vessels.

That four passengers and four of the crew of the "*Flor de Loanda*," being attacked by the scurvy, were allowed to disembark, an indulgence not permitted according to the established regulations with respect to persons encountered on board slave-vessels.

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That two of the prisoners on board the "*Cesar*," finding themselves poorly, were also permitted to sleep during the night on deck, of which they availed themselves for assisting two of the slaves to make their escape. I ascertained that the two prisoners in question connived at it, from the confession of the other prisoners on board, who were privy to the circumstance; in consequence of which I made an official report of the occurrence to Lieutenant Bower, then the superior British naval officer in this port.

On board the "*Brilliant*," also, a sentinel discovered a man endeavouring to throw overboard a sack, and who offered 100,000 reis for the permission of effecting it; but the sentinel held a pistol to his breast, when he dropped the sack, which was found to contain a negro boy. This man was consequently put in irons, and if he had been shot in the act, it would have been in conformity with the usage of all nations under similar circumstances.

On account of these occurrences, as well as because two other prisoners escaped from on board the "Wizard," it became necessary to put all the prisoners in irons, from sunset to daylight next morning; but at the intercession of the Chargé d'Affaires, and Consul General of Portugal, through the intervention of Mr. Stevenson, this punishment was not inflicted on the two Captains.

Their treatment, in their situation, was always good, till their misconduct provoked the adoption of these measures. One of the passengers dined in the gun-room with the officers of the "Rover," till the nature of his malady rendered his removal indispensable, after which, his dinner was carried him by a servant of the officers.

The Mate and a boy were treated as persons belonging to the mess of the marines, till they too, having been attacked, were removed on deck, whither their dinner was carried them.

The crew had the launch amid-ships allowed them, with an awning, and they walked about without any constraint.

The assertion of their having been thrown into the hold is another falsity, which is impudently alleged, as the forecastle was given up to them.

I hope, however, that the period is not very distant, when the present system of forbearance on the part of Great Britain, of being satisfied merely with the conclusion of Treaties, which are continually violated by the pirates, who traffic in human flesh, will be followed by a shorter kind of process, more in accordance with real justice.

If the passenger Maia was not allowed sooner to go on shore, it was entirely his own fault, as the officer, in whose charge the "*Flor de Loanda*" was, has in his possession a petition signed by Joao Fornuaria Duras, José Juiz de Oliveira, Manoel José Borger de Carvalho, and a boy, in consequence of which he allowed them to disembark. Maia might have obtained the same indulgence; but though he was cognizant of those companions of his, having made such an application, he yet did not choose to be included in it, without alleging any motive for this omission.

The treatment of these persons on board the "Calliope," needs no explanation, as no specific complaint is alleged during the few days that they were detained on board that vessel, till their final transference on board the "Stag."

Having been removed for good on board the "Stag," on the 4th July, it is marvellous that the petition, which contains many pages of vague and general complaints of oppression, directed essentially against the officers of that ship, should bear date of the 7th, so as to leave a very short space of time between the 4th, and the commencement of this precious document, for the accumulated sufferings there set forth.

The Commodore having, on the 11th July, obtained information of this requisition, ordered immediately all persons to be called on deck, where he interrogated them what complaints they had to make; to which they answered, that they had none, denying entirely any knowledge of the like petition. While this examination was going on, some of their friends brought them clothes and fruit, which, no less than the other articles, with the exception of spirituous liquors, were never withheld from them.

This examination took place in the presence of several officers of the "Stag," who, I am authorised to say, would not hesitate to attest this fact,—at which, also, a Brazilian was present.

That the scurvy having made its appearance among them, the surgeon removed ten, who were forthwith sent on shore, and thence to the hospital; ten more were sent on the 16th, and the remainder disembarked on the 21st July.

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Up to this moment, every vigilance has been necessary for resisting the attempts of kidnappers, who make their appearance during the night in boats, with the view of carrying off more negroes. They cannot be ignorant that they might have paid the forfeit of such an outrage; but, as if willing to afford a still greater proof of how light they make of naval authority and discipline, a boat, with ten men, got as far as the bowsprit of the "*Flor de Loanda*," at one o'clock in the night, and being pursued by a boat of the "Wizard," contrived to escape by dint of rowing, and favoured by the night-fog.

A more successful attempt took place on board the slaver "*Brilhante*," which, eluding the vigilance of the sentinels, got a slave on shore; in the following night, another kidnapper was discovered near the gangway of the "*Brilhante*;" and this one, too, managed to make her escape, though the sentinel fired on the boat.

As to the abuse scandalously levelled against our respected superior officer, it arises solely from a wish to insult his situation as British Commander-in-Chief; but it is alike ill-timed and absurdly false, as well as at variance with the well-known humanity and generosity of his private character; but proceeding from the parties, mentioned in the diatribes of the *Jornal do Commercio* of the 20th July, it can only excite sentiments of the most decided contempt.

The absurdity and effrontery of men openly employed in the traffic of their species, and in the practice of the most abominable barbarities, perhaps even in the murder of their victims, invoking the sacred cause of liberty and humanity, and placing themselves on a par with civilized nations, are so evident as not to require any remark.

As to claiming the protection of the Portuguese flag, they ought to be well aware, that, having been met with carrying on the Slave Trade, they are *ipso facto* abandoned, and, as such, not recognized by the authorities of Her Most Faithful Majesty; and that, therefore, so far from being entitled to the protection of the Chargé d' Affaires and Consul-General of Portugal, all that they should ask for is the compliance with their duties, in obedience to Article 23 of the Decree of the 8th April, 1837, which is to the following purport:

"Article 23. The Consuls and Vice-Consuls of Portugal, at any foreign port resorted to by Portuguese ships, are charged with the execution of the present Decree; and if they should meet with any contravention of it, it shall be lawful for them to call upon the competent authority of the country for the seizure and imprisonment of the delinquents, causing thereafter the ships, prisoners, and cargo to be given up to the naval department, for the latter to direct cognizance to be taken of the whole by the proper authorities."

Thus repudiated by the nation whose flag they disgrace, they imagine, notwithstanding, that they may invoke the protection of the Government of Brazil, which in truth would amount to an insult offered to the Imperial Government, whose laws they are infringing every day, and which has already declared them pirates, and consequently placed them beyond the shelter of the law of nations.

If these miscreants, who were always treated with more favour than they deserved, had any ground for their pretended complaints, (which, after all, is evidently the work of those who derive a systematic and indirect profit, through connivance and complicity, from the attempts made under the Portuguese flag), supposing even that their treatment had been worse than described by them, what right have they *to invoke the humanity, philanthropy, justice or liberality of sentiments of their captors?* They who are in the daily habit of committing revolting acts of cruelty and piracy, who crowd their fellow men by hundreds, and throw them into narrow holds of ships scarcely capacious enough for accommodating a tenth part of their number,—who cause these unfortunates to suffer what no one ever was known to do—who was ever guilty like them, of crimes of such a deep die, but incurred by such a conduct, punishment?

It would seem impossible for such men to venture to employ the terms of *scandalous, despotic, barbarous, infamous, horrid, odious, tyrannical, arrogant, inconvenient, little tyrants, ferocious executioners;* and so forth, when all these epithets, so ridiculously supplied to their indulgent captors, only apply to, and exactly describe them, calling immediately to mind the crimes by which they have been placed out of the pale of civilized nations, and have justly incurred greater punishments than those captors choose to inflict on them.

(Signed) WHALEY ARMITAGE,
In charge of the prize "Flor de Loanda."

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No. 80.

Viscount Palmerston to M. Lisboa.

THE Undersigned, &c. has had the honour to receive the note addressed to him, under date of the 8th instant, by the Chevalier Lisboa; announcing on the part of the Brazilian Government, that the principle of embargoes is no longer to be considered as applicable to the sentences of the Mixed British and Brazilian Commission established at Rio de Janeiro.

Her Majesty's Government learns with satisfaction the decision of the Brazilian Government; and it derives sincere gratification from the assurances, that the Brazilian Government will adopt the most energetic measures against any one who shall directly or indirectly protect the infamous trade in slaves, and that they will neglect no means of putting an end to the criminal conduct of those, who may continue to commit those infractions of the Treaty which have heretofore, in many instances, been committed in Brazil.

The Undersigned trusts, that the assurances now given by the Government of Brazil, will be followed up by active and vigorous measures, for carrying into effect these praiseworthy intentions of that Government.

The Undersigned, &c.

Foreign Office, April 18th, 1839. (Signed) PALMERSTON.

The Chevalier Marques Lisboa,
&c. &c. &c.

No. 81.

Mr. Ouseley to Viscount Palmerston.—(Received April 22d.)

(Extract.) *Rio de Janeiro, February* 16, 1839.

I HAVE the honour to enclose copy of a note addressed by me to M. Monteiro, on the 25th January, 1839, on the subject of embargoes, together with copy and translation of a note, received from the Brazilian Minister of Foreign Affairs, announcing the abolition of the *embargoes* in the present, as in all future cases submitted to the Mixed Commission. His Excellency promised, that instructions, conformable to the tenor of his note, should be forthwith issued to the Brazilian Commissioners.

On the receipt of this note, I wrote to Captain Herbert, stating, that the Imperial Government had agreed to abolish the *embargoes*. A copy of my note is subjoined.

I also transmit a copy of a memorandum for instructions, to the officers in charge of the slavers, in case they had been sent to Demerara.

I have only time before the departure of the packet, to refer your Lordship to the inclosed correspondence without offering any remarks or analysis.

I have, &c.,

(Signed) W. G. OUSELEY.

P. S. When about to close this Despatch, I received from Captain Herbert the note that I beg leave to transmit in copy, in addition to the correspondence inclosed above.

(Signed) W. G. O

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 81.

Mr. Ouseley to Senhor A. M. Monteiro.

The Undersigned, &c., referring to former official correspondence and communication with His Excellency Senhor A. P. Maciel Monteiro, &c., on the subject of the non-admission of *embargoes* in cases adjudicated by the Mixed Commission Court, has the honour now to address him, to request that he will take into serious

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consideration the extreme difficulties of the position of the Undersigned, with respect to the slave-vessels "*Diligente*" and "*Feliz*," at present in charge of the British squadron.

In the adjudication of the "*Brilhante*," the Imperial Government were distinctly informed, that it was the last case in which the reception of *embargoes* could be admitted by Her Majesty's Commissioners; yet the Brazilian Commissioners are still instructed by their Government to insist upon their reception.

In the mean time, the disastrous consequences of delay, and the onerous charge of the custody of the vessels "*Diligente*" and "*Feliz*," are daily becoming more seriously felt.

The time which would be required to make copies of all the correspondence, that has taken place on this matter, obliges the Undersigned to confine himself to laying before His Excellency a summary of the letters and communications, which have passed between Captain Herbert, the present Commander of Her Majesty's naval forces, and the Undersigned.

Soon after the publication of the final sentence of condemnation, Captain Herbert applied to this Legation, to be informed of the time fixed for carrying that sentence into execution. It was at that time, that the question of the non-admission of "*Embargoes*" having been decided negatively by the Imperial Government, he again wrote to the Legation stating the utter impossibity of his taking upon himself the responsibility of an indefinite delay in providing for the Africans on board the two vessels, explaining fully to the Undersigned the risk incurred of the spreading of contagious disorders, to which many had already fallen victims, even the officers and crews not having escaped the infection of the small-pox, and other maladies; that, during the present season of the year, the excessive heat caused the evils and dangers of keeping so many human beings confined in inconvenient, unwholesome, and crowded small craft, to be doubly felt; the irritating collisions, and even sanguinary conflicts, which arise out of the nightly attacks in boats, for the purpose of kidnapping the negroes; the extreme expence incurred for their support, as well as the hindrance and inconvenience occasioned to the service of the squadron, already weakened by the absence of several vessels of war, so as to be with difficulty enabled to fulfil their other duties, and to conform to instructions on subjects foreign to the present question,—in a word, Captain Herbert has at different times made me fully aware of the extreme difficulty, not to say impossibility, in a naval sense, of leaving these vessels in their present *statu quo*, that I have felt it to be my duty,—the instructions to Her Majesty's Commissioners being positive, and the Queen's Government regarding the sentence already pronounced as final;—to find some means of providing for the safety of these vessels and Africans, under circumstances so very adverse.

The plan of having recourse to the Imperial Government, and requesting from it the permission to make use of an island, or other fitting place, for the reception of the negroes, was rejected on a consideration of the fatal results of a similar arrangement in 1835, when, under the command of Admiral Sir Graham Hamond, the negroes of the "*Rio de la Plata*" having been landed under the sanction and protection of the Imperial Government, the guard was attacked by so superior an armed force, that, after all the resistance in their power, having been disarmed or wounded, above 200 Africans were carried off.

There remained then but to decide upon sending, with as little delay as possible, the two vessels to the nearest British possession; and Captain Herbert advised the Colony of Demerara, or the Island of Trinidad, as being the most easy of access, and the voyage generally much shorter than that to Sierra Leone.

The Undersigned has then, on mature reflection, and after having sought, by every means in his power, to provide for these vessels, and for those on board of them, in the manner most conformable to the stipulations of the Treaty, and, taking into consideration all the difficulties and physical obstacles that militate against their indefinite detention here, found it to be his duty to announce to Senhor Monteiro the determination, which he has already intimated to his Excellency, to send forthwith the slave-vessels "*Felix*" and "*Diligente*" to *Demerara;* or, if the winds, weather, or other circumstances prevent their reaching that destination, to Trinidad, which is easy of access,—always with the understanding that any measure which His Excellency may (by considering favourably some of the means proposed, and which have already been touched upon to Senhor Monteiro by the Undersigned) suggest, shall, if possible, be made use of, in order to avoid the necessity of adopting a plan which the Undersigned would regret to have to carry

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into execution, if he thought it could be displeasing to the Imperial Government.

Further, the ultimate disposal of the negroes and vessels is reserved for the consideration of the two Governments; and the proceeds of the sale of the vessels, as well as any and all other sums accruing from the employment of the Africans, or other sources, will be laid aside, and an exact account of the amount will be furnished to the Brazilian Government. In fact, it is but for the purpose of placing the negroes and vessels in a safe depôt; and, in order to avoid the probable destruction of so many unfortunate human beings, that the Undersigned is under the necessity of deciding on this plan, and without delay, as each additional day increases the difficulties of his position, and the weight of the responsibility with which he is charged.

But the Imperial Government cannot seriously object to a plan which has already, some years ago, been proposed by itself. The project of sending all the liberated Africans to an English colony, and more particularly to Trinidad, having formed the subject of a correspondence brought about by the Imperial Government.

The Undersigned must remark upon a passage in His Excellency's note of the 29th January, in which he refers to the opinions expressed *confidentially* to His Excellency on the conduct of Her Majesty's Commissioner not wishing to appeal against the unusual course adopted of mentioning, in a formal and rather unconciliatory official note, communications of a strictly confidential nature, the Undersigned must observe to His Excellency, that the opinions which he may have expressed on the subject of the strict and zealous observance of his instructions on the part of Her Majesty's Commissioner, in the affair of the "*Brilhante*," are merely *private* opinions, and in nowise influence the question. It remains also to be proved whether Her Majesty's Government may not be inclined to approve of the conduct of the Commissary Judge in this particular, rather than that of the Undersigned, who has possibly but too strongly testified his sincere desire to conciliate and to reconcile, as far as lies in his power, duties which require prompt execution, with the determinations, perhaps somewhat strongly expressed, of the Imperial Government.

To resume, the Undersigned ventures to make this last effort to induce M. Monteiro to reconsider this question, and to place it in its true light; and the extreme difficulty of the position of the Undersigned, where so great a responsibility exists, the weight of which may be daily increased by new captures, and His Excellency will not fail to do him the justice to allow that the plan which he has adopted is the only feasible one that remains under the circumstances—to follow, and by no means deserves to meet with opposition on the part of the Imperial Government, which has so frequently expressed its desire that the liberated Africans should not be allowed to remain within the limits of this empire. Moreover, the vessels and negroes will, in the present instance, remain in depôt, subject to the ultimate decision of the two Governments.

Should, however, the Brazilian Government be opposed, which the Undersigned can hardly anticipate, to the place adopted, and if means can be found to make the respective instructions of the two Governments to their Commissioners, accord, by an arrangement similar to that entered into by the Government of the Queen, and that of Spain at the Havana, where *embargoes* and other purely national usages have been abolished, although long allowed in practice, it would doubtless be desirable to adopt it.

It should be more particularly borne in mind by the Imperial Government, that, although they may consider other Mixed Commissions that have been appointed here, as being differently circumstanced from that under the Slave-Trade Convention, yet that there exists one at Sierra Leone, which is, in its nature, origin, and object, precisely similar, named by the same Governments, and under the self-same Convention, the only difference being that the Commission at Sierra Leone is in British territory, would not the Government of Her Britannic Majesty be justified should that of Brazil persist in applying the peculiar forms of its judicial proceedings to a Mixed and Exceptional Court, in insisting upon the interpolation in the regulations of the Mixed Commission at Sierra Leone of such particular parts of English legal practice as might seem eligible in its opinion?

Perhaps among the modes which the Undersigned has had the honour to suggest, or which have been referred to by M. Monteiro, the best diplomatic mode of proceeding, in order to obviate any difficulty in altering the practice hitherto tole-

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rated, would be the issuing of a "*letter or note reversale*," or explanatory *aviso* or decree, setting forth the expediency of a more exact observance of the letter of the Treaty, and considering the sentences of the Commission in conformity with the view of the Queen's Government, as final, without the reception of embargoes. The addition of a Separate Article to the Convention is a mode to which the objection exists of the necessity of great delay; whereas it is requisite, should the Imperial Government be pleased to enter into the views of that of Her Majesty on this point, that the action of any measure adopted should be immediate.

A *note reversale*, or explanatory instruction, on the part of M. Montiero, would, it appears to the Undersigned, obviate all difficulty on this subject, and enable the final sentence of the Commission in the present cases of the "*Diligente*" and "*Feliz*," as in all future cases that may arise, to be carried at once into execution.

The Undersigned earnestly requests His Excellency, the Minister of Foreign Affairs, to submit such suggestions on this head as may seem to His Excellency expedient, to the pleasure of the Imperial Government, and to do him the honour of communicating to him the result with as little delay as is compatible with his convenience. The Undersigned, &c.

(Signed) W. G. OUSELEY.

Rio de Janeiro, 25th January, 1839.

Senhor Monteiro,
&c. &c. &c.

Second Enclosure in No. 87.

Mr. M. Monteiro to Mr. Ouseley.

THE Undersigned, &c. has the honour to acknowledge receipt of the note that Mr. Ouseley, &c. addressed to him on the 25th January, referring to the construction put by the Government of Her Majesty the Queen of Great Britain on the Convention concluded in 1817, between the two Governments, for the abolition of the Slave Trade, regarding the forms of proceeding observed by the Mixed Brazilian and British Commission established here; also requesting the assent of the Imperial Government to the non-reception of *embargoes* offered to the sentences of the same Commission, which Mr. Ouseley observes ought to be final, and carried into execution in the two cases now pending of the vessels "*Diligente*" and "*Feliz*," both under adjudication before the said tribunal.

Being enabled, in virtue of the view taken by the Government to whom the note in question was submitted, and by previous mature consideration of the arguments, on which the British Government founds the objections raised to the practice adopted of admitting *embargoes* to the sentences of the Mixed Commission, established at this capital, the Undersigned has the satisfaction of communicating to Mr. Ouseley, that the Imperial Government, in conformity with the solicitations of that of Her Britannic Majesty, as well as in consideration of the stipulations of the Treaties on this subject, has thought it expedient that the formality of the *embargoes* should no longer be observed, in the adjudication of the causes which may be brought before the said Commission, including also the cases now pending in that Court, not only to render its proceedings as summary as it is required to be by the above-mentioned Treaty, but also in order to assimilate the regulations observed by the two Mixed Commissions, that of this capital, and that of Sierra Leone, respecting the form of proceeding, and the adjudication of the prizes which may respectively be brought before them.

In communicating to Mr. Ouseley this decision of the Imperial Government by which an arrangement has been effected, in a manner that no longer admits of doubt, of a point which has lately been a subject of continued difference and discussion between the Commissary Judges of the Mixed Commission, the Undersigned flatters himself that Her Britannic Majesty's Legation at this Court will not fail to transmit, with all possible despatch, this important decision to its Government, as a convincing and irrefragable proof of the sentiments which animate the Imperial Government in its desire to contribute, by every means in its power, to render as really effective as possible the noble object which the two Governments had in view in concluding the Treaty now in force.

The Undersigned, &c.

(Signed) ANTONIO PEREGRINO MACIEL MONTEIRO.

Palace of Rio de Janeiro, February 14th, 1839.

W. G. Ouseley, Esq.,
&c. &c. &c.

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Third Enclosure in No. 87.

Mr. Ouseley to Captain Herbert, R.N.

SIR, *Rio de Janeiro, 14th February,* 1839.

IN reply to your letter of the 12th instant, I have to inform you that I have just received, from the Brazilian Minister for Foreign Affairs, an official communication informing me that the Imperial Government have at length, conformably to the wishes of that of Her Majesty, come to the determination of abolishing the formality of the *embargoes* on their sentences hitherto admitted in the form of procedure of the British and Brazilian Mixed Commission Court established here. His Excellency, Senhor Maciel Monteiro, has likewise informed me that the *embargoes* presented in the cases of the slave-vessels "*Feliz*" and "*Diligente,*" still before the Mixed Court, will not be admitted, and that instructions to this effect are preparing for the guidance of the Brazilian Commissary Judge. I have thought it expedient to communicate to you the earliest information of this decision of the Imperial Government, as the necessity no longer exists for sending to the West Indies the above vessels, as previously determined, since the final sentence already pronounced ought now immediately to be carried into execution.

I think it, however, incumbent upon me to take this opportunity of thanking you, Sir, as officer in command of Her Majesty's squadron in this harbour, for the prompt and effective assistance which you have afforded to Her Majesty's Legation in this troublesome and somewhat delicate affair, nor can I refrain from stating, that in bringing this question, long obstinately contested by the Brazilian Government, to a satisfactory conclusion, I am much indebted to your intelligent and cordial co-operation.

I have, &c.
(Signed) W. G. OUSELEY.

To Captain Herbert, R.N.
&c. &c. &c.

Fourth Enclosure in No. 87.

Memorandum.

1st. THE negroes are to be placed under the immediate care and protection of the Executive Government, the Governor, or Lieutenant-Governor. They are, after being, in conformity with the regulations adopted here, furnished by the proper authorities, with authentic copies on parchment, and in a tin box worn suspended round the neck, of certificates of freedom, to be duly registered in the proper offices, to be hired out at a moderate rate, the amount of which must of course be relative and dependent upon the usual rate of wages in the colony, say two dollars a month, payable monthly, and whenever called for at any period of the term of service, the term of service for adults, or those above 14, five years; those under 14, and above 7, seven years; and those under 7, twelve years; at the expiration of which term their apprenticeship to cease, and their unconditional emancipation to begin. Children that may be born subsequent to this date, and during the term of service of the mothers, of course to be free.

It is to be carefully kept in view that these conditions are subject to the approbation of Her Majesty's Government, and that the negroes must, until a confirmation of the present provisions for them be received from England, be always subject to such other arrangement as may seem fit to Her Majesty's Government. The proceeds of the sale of the vessels, and of the hire of the blacks, to be kept in the hands of the competent authority until the pleasure of the Queen's Government be ascertained as to its ultimate disposal.

As it is probable that the vessels may be much out of repair, and barely seaworthy on their arrival, aud possible that they may fall into improper hands, it may perhaps be expedient to break them up and sell the materials.

Rio de Janeiro, 4th February, 1839.

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No. 82.

Mr. Ouseley to Viscount Palmerston.

MY LORD, *Rio de Janeiro, February* 25, 1839.

IN conformity with the instructions contained in your Lordship's Despatch, Slave Trade, of the 29th October of last year, I made a representation to the Imperial Government against the conduct of Senhor Joaquim Feliciano Gomez, the Brazilian Commissioner of arbitration at Sierra Leone.

I have the honour to enclose copy of my note, as also of the answer which I have received from the Minister of Foreign Affairs, in whieh I have much satisfaction in stating, that his Excellency announces, that in consequence of the representations that I was instructed to make, and in order to show that the Imperial Government is determined to do all in its power to put an end to the Slave Trade, and to act in concert with that of Her Majesty on this subject, it has thought fit to deprive M. Gomez of the office he so improperly filled.

The promptness and vigour shown by the Imperial Government on this occasion will, I trust, have a salutary effect upon the conduct of those in the service of this Government, and assist in giving a moral force to the declarations so frequently made, (of a determination to suppress the Slave Trade,) that has hitherto been much wanting.

I have, &c.
(Signed) W. G. OUSELEY.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

P. S. I have the honour to enclose a copy of my reply to Senhor Monteiro's note, written subsequently to the date of this Despatch.

W. G. O.

First Enclosure in No. 82.

Mr. Ouseley to Senhor Maciel Monteiro.

SIR, *Rio de Janeiro, January* 9, 1839.

I have the honour to transmit to your Excellency, copies of a Despatch, and of its enclosures, from Her Majesty's Comissioners at Sierra Leone, relating to M. Gomez, the Brazilian Commmissioner of arbitration in that Colony; from which it appears, that during M. Gomez's recent residence there, it was observed that his chief associates, were the captains and supercargoes of Slave vessels.

In communicating these papers to the Imperial Government, I am instructed to remark that such habitual association with slave traders appears to Her Majesty's Government, to be inconsistent with the duties which M. Gomez is sent to discharge, and must at least tend to produce in the colony of Sierra Leone, an impression very little favourable either to M. Gomez, or to his Government.

With respect to the reasons alleged by M. Gomez, in excuse for this proceeding, it is to be remarked that every necessary assistance and protection to his countrymen in distress, (if the persons in question really were such), might have been afforded without making them his associates, in such a manner as was calculated to induce a belief in the colony, that he not only felt compassion for the men, but approved of their slave-trade pursuits.

It is perhaps superfluous to remark on the tone of the reply of M. Gomez, to the temperate private note of Mr. Macaulay. I shall only observe to your Excellency, that the last paragraph of this answer is in contradiction to its commencement, when he says that future communications can be made "*officially*," although he affects to consider in the first line of his reply, that Mr. Macaulay's note had an official character; its confession, also, is remarkable, of a belief, that in his own country, the circumstance of these men having amassed a large fortune by the infamous pursuits of which they have been convicted, renders them while suffering temporally from the consequences of their misdeeds, fit associates for a member of a court, established for the suppression of their criminal traffic,—and without referring particularly to the mode of M. Gomez's arrival at the colony

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of Sierra Leone, it is evident that in his estimation slave-dealing, which he considers as a mere "contraband trade," does not stamp with infamy those who are accomplices in its atrocities, nor does he seem aware that civilized nations regard it not merely as an illegal traffic, but as a disgrace to humanity.

I leave to the Imperial Government to judge how far the conduct of Mr. Gomez is unbecoming either to his private or official character, and avail myself of this opportunity to renew to your Excellency, &c. &c.

(Signed) W. GORE OUSELEY.

His Excellency Senhor Antonio P. Maciel Monteiro,
&c. &c. &c.

Second Enclosure in No. 82.

M. Monteiro to Mr. Ouseley.

THE Undersigned, &c. in acknowledging receipt of the note addressed to him on the 9th ultimo by Mr. Ouseley, &c., representing by order of his Government against the conduct of Joaquim Feliciano Gomez, Brazilian Commissioner of Arbitration of the Mixed Brazilian and British Commission at Sierra Leone, has the honour to inform him, that the Imperial Governments, desirous of giving a convincing proof that it will not suffer its subjects, and more particularly those employed in its public service, to show the least tendency to favour, in the slightest degree possible, the odious and immoral traffic in Africans, has thought fit to dismiss the said Commissioner.

In making this communication to Mr. Ouseley, the Undersigned has the pleasing duty of assuring him, that the Imperial Government, firm in the laudable and philanthropical object of extinguishing the nefarious contraband trade in human flesh, after having taken into serious consideration the official communications lately made by Her Britannic Majesty's Legation on the subject, will exert itself to the utmost of its power in taking the most energetic measures to cause the existing Treaties between the two Governments to be fulfilled in all their amplitude and vigour.

The Undersigned avails, &c.

(Signed) ANTONIO P. MACIEL MONTEIRO.

Palace of Rio de Janeiro, 22nd February, 1839.

W. G. Ouseley, Esq.,
&c. &c. &c.

Third Enclosure in No. 82.

Mr. Ouseley to M. Monteiro.

Rio de Janeiro, March 14th, 1839.

IN acknowledging the receipt of Mr. Maciel Monteiro's note of the 22nd ult., in which his Excellency states that the Imperial Government have thought fit, in consequence of the representations made on the part of Her Majesty's Government to dismiss Senhor Gomez from the post of Commissioner under the Slave Trade Convention at Sierra Leone. I have the honour to inform his Excellency that I shall not fail to communicate by the packet now about to sail for England, this new proof of the right feeling of the Brazilian Government on the subject of the traffic in Africans; and I anticipate great satisfaction on the part of Her Majesty's Government at the prompt attention thus shown to the representations which I have been instructed to make; an attention which will always be reciprocally paid by the Government of Great Britain to the well-founded complaints which that of Brazil may find it necessary to make against the conduct of any of Her Majesty's agents, and which is the best guarantee of that complete and mutual good understanding which exists between the two Governments.

I avail myself, &c.

(Signed) W. G. OUSELEY.

His Excellency Senhor Antonio P. Maciel Monteiro.
&c. &c. &c.

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No. 83.

Viscount Palmerston to Mr. Ouseley.

SIR, *Foreign Office, 25th April,* 1839.

I HAVE received your Despatch, marked "Slave Trade," of the 16th of February, 1838, containing a statement of the proceedings which led to a final withdrawal of the demand insisted on by the Brazilian Government, that the practice of embargoes should be allowed in the case of the sentences passed by the Mixed British and Brazilian Court of Commission at Rio de Janeiro, under the Convention on Slave Trade between Great Britain and Brazil; and I have the satisfaction of informing you that I entirely approve of your conduct throughout the whole of this affair.

I am, &c.

(Signed) PALMERSTON.

W. G. Ouseley, Esq.,
&c. &c. &c.

No. 84.

Viscount Palmerston to Mr. Ouseley.

SIR, *Foreign Office, May 27,* 1839.

ON reference to previous correspondence with Her Majesty's mission at Rio de Janeiro, it appears that the Legislature of Brazil has passed laws intended to prevent all importation of negroes from Africa into Brazil, and that the Government have dwelt specially on the inconvenience, likely to arise from an increase in the number of emancipated negroes in the Brazilian territory.

It is probable, therefore, that neither the Government nor the Legislature of Brazil will object to the conclusion of a stipulation between Great Britain and Brazil, by which negroes captured and liberated by sentences of the Mixed Courts of Justice, sitting under the Convention of the 23rd of November, 1826, shall be delivered over to the care of the Government of the country, whose cruizer shall have made the capture.

The effect of such a stipulation would be to place the greater part of the liberated Africans under the charge of the British Government, as the greater part will be captured by British cruizers.

I have, accordingly, to desire, that you will propose to the Brazilian Government, the articles of which I herewith transmit to you a draft, and which may properly form an Annex to the Convention before-mentioned.

These articles are, with trifling alterations, copied from those which form Annex C. to the Treaty, recently proposed by Great Britain to Portugal on Slave Trade.

I am &c.

(Signed) PALMERSTON.

W. G. Ouseley, Esq.
&c. &c. &c.

No. 85.

Viscount Palmerston to Mr. Ouseley.

SIR, *Foreign Office, May 27,* 1839.

I HAVE to desire, that if you shall succeed in the negotiation with which, by my Despatch, Slave Trade, of this date, you are charged, for the conclusion of articles respecting Negroes liberated under the Convention of November 23, 1826, between Great Britain and Brazil, you will endeavour to obtain the ratification of those articles by the Government and Legislature of Brazil without delay; and you will take the occasion of their ratification, to press the Government of Brazil to propose to the Legislature the ratification also of the two articles, which were concluded between Great Britain and Brazil on the 27th July, 1835, stipulating for the condemnation of slave vessels upon the ground of their equipment; and for the breaking up of all vessels condemned for Slave Trade.

I am, &c.

(Signed) PALMERSTON.

W. G. Ouseley, Esq.,
&c. &c. &c.

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No. 86.

Mr. Ouseley to Viscount Palmerston.—(*Received May 27.*)

MY LORD, *Rio de Janeiro, March 23, 1839.*

THE Portuguese Consul-General and Chargé d'Affaires, *ad interim*, continues to furnish vessels with Portuguese papers, notwithstanding the late decrees issued by the Government of Her Most Faithful Majesty, relative to the registry of vessels not built in Portugal.

Most of the vessels, thus furnished with a pretext for claiming the protection of the flag of Portugal, are employed in the Slave Trade, and there are, at this moment, in this harbour, between 30 and 40 vessels bought and equipped by notorious Slave Traders, provided with Portuguese papers by Her Most Faithful Majesty's Consul General, in direct contradiction to the spirit and letter of the laws of Portugal and the ostensible instructions, and declared intentions, of the Government of that country.

It may be affirmed in some of these cases, that these vessels are not proved to have been built out of Portugal; but in the case of the "*Brilhante*" slaver, lately condemned, and sold in conformity with the previous sentence of the Mixed British and Brazilian Commission Court at this capital, it was clearly proved, in the course of the proceedings, that this vessel was not built in Portugal, was not furnished with a legal register, and was employed in the Slave Trade. Yet Senhor Moreira did not think himself bound to refuse Portuguese papers to this vessel, which accordingly sailed from this port under the flag of Her Most Faithful Majesty in the month of February last, for Monte Video, where there is every probability of her being fitted out and dispatched on a slave trading voyage to the coast of Africa.

As it appears very unlikely, that Senhor Moreira, in thus acting, can rightly have understood or fulfilled the instructions of his Government, I think it my duty to state the fact, for the information of Her Majesty's Government; and I ought not, perhaps, to conceal from your Lordship, that it is asserted most publicly and generally here, that Senhor Moreira's chief, if not sole, profits are derived from furnishing the papers and protection of the Government of Her Most Faithful Majesty to the Slave Traders, and it is notorious, that he is in constant and intimate communication with these criminals.

I have, &c.

(Signed) W. G. OUSELEY.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

London: Printed by W. CLOWES and SONS, Stamford-street,
For Her Majesty's Stationery Office.

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Class C.

(FURTHER SERIES.)

CORRESPONDENCE

WITH

FOREIGN POWERS

PARTIES TO THE CONVENTIONS BETWEEN

GREAT BRITAIN AND FRANCE,

RELATING TO

THE SLAVE TRADE.

1839.

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Class C.

(FURTHER SERIES.)

CORRESPONDENCE

WITH

FOREIGN POWERS,

PARTIES TO THE CONVENTIONS BETWEEN

GREAT BRITAIN AND FRANCE,

RELATING TO

THE SLAVE TRADE.

From February 3rd to May 31st, 1839.

Presented to both Houses of Parliament, by Command of Her Majesty.

LONDON:

PRINTED BY W. CLOWES AND SONS, STAMFORD STREET,
FOR HER MAJESTY'S STATIONERY OFFICE.

1839.

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Class C.—(Further Series.)—1839.

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Class C.—1839.

(FURTHER SERIES.)

CORRESPONDENCE

WITH

FOREIGN POWERS.

PARTIES TO CONVENTIONS.

No. 1.

Mr. Kennedy to Viscount Palmerston.—(*Received May* 13.)

Naples, April 28, 1839.

My Lord,

I have the honour of enclosing to your Lordship a copy of the Official Journal of Naples, of the 20th April, 1839, in which the Convention of the 14th February, 1838, by which the King of Naples accedes to the former Conventions between England and France, for the suppression of the Slave Trade, is published and sanctioned by law.

As no penalty, however, for its violation has yet been ordained, the law may still be considered incomplete.

I have, &c.

(Signed) J. KENNEDY.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 1.

(Translation.)

Naples, April 20, 1839.

Ferdinand II., by the grace of God, King of the Kingdom of the Two Sicilies, of Jerusalem, &c., Duke of Parma, Piacenza, Castrs, &c., Hereditary Prince of Tuscany, &c. &c. &c.

In order to show our abhorrence for the inhuman traffic in slaves, we have determined to accede to the following Conventions entered into by the Royal Courts of France and England.

(Convention of Accession recited.)

We having formally acceded to the above-written Convention, of which the respective ratifications have been already exchanged, and it being our sovereign will that the same should have full effect.

On the proposal of our Minister, Secretary of State for Foreign Affairs:

With the advice of our ordinary Council of State, we have resolved to sanction, and do sanction, the following law:—

Art. I.

All the Articles of the above-written Convention shall word for word be exactly and religiously observed, and followed.

We will and command, that this our law, signed by us, recognised by our Minister, Secretary of Grace and Justice, furnished with our great seal, and countersigned

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by our Councillor, Minister of State, President of the Council of Ministers, and registered and deposited in the Ministry, and Royal Office of the Secretary of State, of the Presidency of the Council of Ministers, be published, with the ordinary solemnities, throughout all our royal dominions, by means of the proper authorities, who shall take particular registry thereof, and ensure its fulfilment.

Our Councillor, Minister of State, President of the Council of Ministers, is specially charged to watch over its publication.

Naples, August 17, 1838.

(Signed) FERDINAND.

The Minister Secretary of State for Foreign Affairs.

(Signed) PRINCE DI CASSARO.

The Minister, Secretary of State for Clemency and Justice,

(Signed) NIC. PARISIO.

The Councillor, Minister of State President of Council of Ministers,

(Signed) MAR. RUFFO.

London: Printed by W. Clowes and Sons, Stamford Street,
For Her Majesty's Stationery Office.

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Class D.

(FURTHER SERIES.)

CORRESPONDENCE

WITH

FOREIGN POWERS

NOT PARTIES TO CONVENTIONS

GIVING RIGHT OF SEARCH OF VESSELS SUSPECTED OF

THE SLAVE TRADE.

1839.

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Class D.

(FURTHER SERIES.)

CORRESPONDENCE

WITH

FOREIGN POWERS,

NOT PARTIES TO CONVENTIONS

GIVING RIGHT OF SEARCH OF VESSELS SUSPECTED OF

THE SLAVE TRADE.

From February 2nd to May 3rd, 1839.

Presented to both Houses of Parliament by Command of Her Majesty,
1839.

LONDON:
PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET,
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1839.

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Class D.—(Further Series.)—1838.

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Class D.—1839.

(FURTHER SERIES.)

CORRESPONDENCE

WITH

FOREIGN POWERS,

NOT PARTIES TO CONVENTIONS.

AUSTRIA.

No. 1.

Viscount Palmerston to Mr. Milbanke.

SIR, *Foreign Office, April 2nd,* 1839.

I HEREWITH transmit to you two copies of a Protocol of Conference on Slave Trade, which took place at the Foreign Office in London, on the 12th of December last, between the Plenipotentiaries of Austria, France, Great Britain, Prussia, and Russia.

I transmit to you, likewise, two copies of a Draft of Treaty between the Five Powers, proposed at that Conference, and forming Annex A to the Protocol.

Her Majesty's Government feel that a most important object would be accomplished, if all the maritime Powers of Christendom could be united in a league for the suppression of the trade in slaves; and I have to desire that you will express to the Government of His Imperial Majesty the anxious hope of the British Government, that an early and favourable answer may be given, on the part of the Emperor of Austria, to the proposed Slave Trade Treaty.

I am, &c.

J. R. Milbanke, Esq., (Signed) PALMERSTON
&c. &c. &c.

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PRUSSIA.

No. 2.

Viscount Palmerston to Lord William Russell.

MY LORD, *Foreign Office, April 2nd*, 1839.

I HEREWITH transmit to you two copies of a Protocol of Conference on Slave Trade, which took place at the Foreign Office in London on the 12th of December last, between the Plenipotentiaries of Austria, France, Great Britain, Prussia, and Russia.

I transmit to you, likewise, two copies of a Draft of Treaty between the Five Powers, proposed at that Conference, and forming Annex. A. to the Protocol.

Her Majesty's Government feel, that a most important object would be accomplished, if all the maritime Powers of Christendom could be united in a league for the suppression of the trade in slaves; and I have to desire, that you will express to the Government of His Majesty the King of Prussia the anxious hope of the British Government, that an early and favourable answer may be given, on the part of the King of Prussia, to the proposed Slave Trade Treaty.

I am, &c.

Lord William Russell, (Signed) PALMERSTON.
&c. &c. &c.

No. 3.

Lord William Russell to Viscount Palmerston.—(Received April 15th)

MY LORD, *Berlin, April 9th*, 1839.

I have had the honour to receive your Lordship's Despatch, of the 2nd instant, marked Slave Trade.

I communicated to Baron Werther the hope entertained by Her Majesty's Cabinet, that the maritime Powers of Christendom might be united in a league for the suppression of the trade in slaves, but His Excellency had not seen the Treaty or the Protocol. He promised to give an answer, as soon as he had read them.

I afterwards spoke on the same subject to the Minister of Finance, who pointed out to me some objectionable powers given by the Treaty, but said he did not imagine that Prussia would make any difficulties.

I have, &c.

(Signed) WILLIAM RUSSELL.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 4.

Baron Werther to Viscount Palmerston.—(Received May 25.)

DANS le premier Article du Projet de Traité que Son Excellence Mons. le Vicomte Palmerston, Principal Secrétaire d'Etat de Sa Majesté Britannique pour les Affaires Etrangères, a communiqué en Décembre dernier au Gouvernement du Soussigné, concernant la Traite des Nègres, il est arrêté, que ce trafic sera regardé et puni comme piraterie, et dans un des Articles suivants on s'en relère, à l'égard

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de la punition de l'équipage trouvée coupable, à la Législation des pays respectifs. Mais les lois Prussiennes ayant une lacune complète pour tout ce qui regarde la piraterie, il sera nécessaire, avant d'adopter toute autre mesure qui menerait à la conclusion du Traité projeté, de publier en Prusse une nouvelle loi pénale sur la piraterie.

Le Gouvernement du Roi le regarde comme indispensable de fixer dans cette loi une peine qui s'approche autant que possible de celle arrêtée dans les autres pays, pour qu'une punition moins sevère ne tenterait pas ceux, qui se livrent à ce trafic criminel, de se servir plutôt du pavillon Prussien que de tout autre.

Pour obtenir ce but, le soussigné Chargé d'Affaires de Sa Majesté le Roi de Prusse, par ordre de sa cour, a l'honneur de prier Son Excellence Monsieur le Vicomte Palmerston de bien vouloir lui communiquer toutes les lois pénales et tous les arrêts qui sont en rigueur dans les Etats de Sa Majesté Britannique contre la piraterie et la Traite des Nègres.

Le soussigné saisit avec empressement cette occasion pour réitérer à Son Excellence Monsieur le Vicomte Palmerston l'assurance de sa plus haute considération.

(Signed) WERTHER.

3, *Lower Berkeley Street, ce* 23 *Mai*, 1839.

A son Excellence Monsieur le Vicomte Palmerston,
&c. &c. &c.

(Translation.)

In the first Article of the Draft of Treaty on the Slave Trade, which his Excellency Viscount Palmerston, &c., communicated, in December last, to the Government of the undersigned, it is stipulated, that this traffic shall be considered and punished as piracy; and, by one of the following articles, the legislation of the respective countries is to be had recourse to for the punishment of the crews who may be found guilty. But as the Prussian laws are entirely silent with respect to all that concerns piracy, it will be necessary to publish in Prussia a new penal law on piracy, previously to adopting any other measure which may lead to the conclusion of the proposed Treaty.

His Majesty's Government considers it to be indispensable to fix, by that law, a punishment which shall be as nearly as possible similar to that which is fixed in other countries, in order that those persons who abandon themselves to this criminal traffic may not be tempted, by a more lenient punishment, to make use of the Prussian flag rather than of any other.

In order to attain this object, the undersigned, His Prussian Majesty's Chargé d'Affaires, has the honour, by order of his Court, to request his Excellency Viscount Palmerston to communicate to him all the penal laws and all the regulations which are in force in the dominions of Her Britannic Majesty against piracy and the Slave Trade.

The undersigned, &c.

(Signed) WERTHER.

3, *Lower Berkeley Street*, 23*rd May*, 1839.

His Excellency Viscount Palmerston,
&c. &c. &c.

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RUSSIA.

No. 5.

Viscount Palmerston to Lord Clanricarde.

MY LORD, *Foreign Office, April 2nd,* 1839.

I HEREWITH transmit to Your Excellency two copies of a Protocol of Conference on Slave Trade, which took place at the Foreign Office in London, on the 12th of December last, between the Plenipotentiaries of Austria, France, Great Britain, Prussia, and Russia.

I transmit to you, likewise, two copies of a Draft of a Treaty between the Five Powers, proposed at that Conference, and forming Annex A. to the Protocol.

Her Majesty's Government feel, that a most important object would be accomplished, if all the maritime Powers of Christendom could be united in a league for the suppression of the trade in slaves; and I have to desire, that you will express to the Government of His Imperial Majesty the anxious hope of the British Government, that an early and favourable answer may be given, on the part of the Emperor of Russia, to the proposed Slave Trade Treaty.

I am, &c.

(Signed) PALMERSTON.

His Excellency the Marquis of Clanricarde,
&c. &c. &c.

No. 6.

Viscount Palmerston to Lord Clanricarde.

MY LORD, *Foreign Office, May* 16, 1839.

I HEREWITH transmit to your Excellency an extract from a communication from Rear-Admiral Elliott, containing information as to the use of the Russian flag for the purposes of Slave Trade.

You will communicate to the Russian Government, by note, the information contained in these papers. You will entreat the serious attention of that Government to the subject; and you will urge it to consent to the conclusion of the proposed Treaty between the Five Powers, as a means of effectually preventing for the future the Russian flag from being misused for purposes of Slave Trade.

I am, &c.

(Signed) PALMERSTON.

His Excellency the Marquis of Clanricarde,
&c. &c. &c.

Enclosure in No. 6.

Extract of a Letter from Rear-Admiral Elliot to Mr. Wood.

"Melville," at Sea, February 13th, 1839.

I HAVE the honour to forward, for the information of my Lords Commissioners of the Admiralty, copy of a letter from Lieut. J. L. R. Holl, commanding Her Majesty's brigantine "Bonetta;" by which, and my former letters, it will be observed that the use of the Russian flag is becoming rapidly more general, in the protection of Spanish slave-vessels.

The "*Golouchpie,*" alluded to in Lieut. Holl's letter, is, I believe, the fourth vessel now on the coast under Russian colours, carrying on the Slave Trade; one of which has made four successful voyages to Cuba.

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Sub-Enclosure in No. 6.

Extract of a Letter from Lieutenant Holl to Admiral Elliot.

Her Majesty's Brig, "Bonetta," Prince's Island, February 11th, 1839.

On the 24th of the same month (January 1839) boarded the Russian brig, "*Gouchpie,*" forty days from Barcelona; not having the right of search, Mr. Henry Paul, the boarding officer, could not ascertain the whole extent of her equipment, but saw part of her Slave-deck laid in the main hold, and also leagers such as are used in the Slave Trade; her master is an Italian, and the whole of her crew Spaniards or Portuguese; her papers are perfectly regular; she is the fastest vessel off the wind I have yet met with, and carries quarter boats.

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BUENOS AYRES.

No. 7.

Mr. Mandeville to Viscount Palmerston.—(Received April 7th.)

(Extract.) *Buenos Ayres, January 23rd*, 1839.

THE Chamber of Representatives of the Province of Buenos Ayres was opened on the 1st inst., with the usual solemnities.

In that part of the message which speaks of the foreign relations of the Republic, the following paragraph occurs—

"The negotiation undertaken by the British Government for the abolition of the Slave Trade, with which the Minister of that nation is charged, has not come to a close. The Government sincerely sympathizes with the philanthropic and high sentiments of the August Sovereign of Great Britain, and is ready to conclude the negotiation satisfactorily, participating with pleasure in the honour of sanctioning an act of justice claimed by religion, humanity, and the civilization of the age. It will devote to this important affair all its zeal, the moment that its present serious occupations will permit."

No. 8.

Viscount Palmerston to Mr. Mandeville.

SIR, *Foreign Office, April 22*, 1839.

I HAVE received your Despatch of the 23rd January, 1839, transmitting extracts from that portion of the Message from the Government of Buenos Ayres, to the Legislative Body, which regards the Foreign Relations of the Argentine Republic.

Her Majesty's Government have observed with satisfaction, that the Government of the Argentine Republic declare in that Message their readiness to conclude with Great Britain the Treaty, which you have been instructed to negotiate, for the abolition of the Slave Trade of that Republic.

Her Majesty's Government take an anxious interest in the success of the negotiations on the subject of the Slave Trade, and I have to desire that you will press, by all the means in your power, the successful termination of that with which you are charged.

I am, &c.

(Signed) PALMERSTON.

J. H. Mandeville, Esq.
&c. &c. &c.

No. 9.

Mr. Mandeville to Viscount Palmerston.—(Received May 26th.)

MY LORD, *Buenos Ayres, February 19th*, 1839.

I have had the honour to receive your Lordship's despatch, marked "Slave Trade," of the 24th of November, 1838, enclosing a Draft of a Treaty, containing, in an amended form, the propositions which were transmitted in the Draft which was sent out to Mr. Hamilton in September 1834.

From the language of the Minister for Foreign Affairs, as well as from the declaration contained in His Excellency's note to me, of the 10th of October last

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(a copy of which was transmitted to your Lordship in my Slave Trade Despatch of the 14th of that month), of the sincere disposition of the present government to conclude with Great Britain a Treaty for the suppression of the Slave Trade, I have great reason to hope that the just expectations of Her Majesty's Government will not be disappointed, and that this Government will act up to its professions: and I trust that it is not necessary to assure your Lordship, that my best efforts will be directed for the attainment of so desirable an object.

I have already given a copy of the Draft of the Treaty, for translation, to the Minister for Foreign Affairs.

I have, &c.

(Signed) J. H. MANDEVILLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

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CHILE.

No. 10.

Colonel Walpole to Viscount Palmerston.—(Received February 25, 1839.)

My Lord, *Santiago, October* 21, 1838.

I have had the honour to receive your Lordship's Despatches marked Slave Trade, up to that of the 19th of June, 1838, with their several Enclosures.

On the receipt of that Despatch, I communicated its contents, together with a copy of its enclosure, to His Excellency the Minister for Foreign Affairs, for the information of the Chilian Government, accompanied by a note, of which a copy is enclosed.

I have the honour also to submit a copy of a translation of the reply thereto.

I have, &c.
(Signed) JOHN WALPOLE.

The Right Hon. Viscount Palmerston, G.C.B,
&c. &c. &c.

First Enclosure in No. 10.

Colonel Walpole to the Minister for Foreign Affairs.

The Undersigned has, by directions from his Government, the honour to transmit to His Excellency, the Minister of State for Foreign Affairs, the enclosed copy of an address to Her Majesty, from the Commons House of Parliament on the 10th of May, and of Her Majesty's gracious reply thereto.

The Undersigned has, at the same time, received instructions to press upon the Chilian Government the immediate conclusion of the negotiations with which he has been charged, for a Treaty conducive to the extinction of the traffic in slaves: but as probably Her Majesty's Government have not yet been made acquainted with the advanced progress made in those negotiations, and of the happy prospect of their early conclusion, the Undersigned will alone draw the attention of His Excellency to the contents of the enclosed paper, as an exhibition of the earnest and increasing desire entertained both by the Parliament and by the Government of Great Britain for the total and perpetual suppression of that trade.

The Undersigned, &c.
(Signed) JOHN WALPOLE.
Her Britannic Majesty's Consul-General.

Santiago, October 18, 1838.

His Excellency the Minister for Foreign Affairs,
&c. &c. &c.

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Second Enclosure in No. 10.

(Translation.) *The Minister for Foreign Affairs to Colonel Walpole.*

SIR, *Santiago, October* 20, 1838.

I HAVE received and laid before the President the note of yesterday's date, in which you do me the honour to transmit to me a copy of a representation from the British House of Commons to the Queen of the United Kingdom of Great Britain and Ireland, and of Her Majesty's benevolent reply thereto.

You also give me to understand, that you have received instructions to promote the immediate conclusion of the Treaty between our respective Governments, for the abolition of the traffic in slaves.

His Excellency has directed me to reply to you that he congratulates himself on the complete harmony which, on a subject of so much interest to humanity, exists in the sentiments of the August Sovereign of the United Kingdom, and of the British Parliament, and which have at all times animated the Government of this Republic.

I flatter myself that all will be prepared in a few days for the celebration of the Treaty.

Accept, &c.

(Signed) JOAQUIN TOCORNAL.

Her Britannic Majesty's Consul-General,
&c. &c. &c.

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EGYPT.

No. 11.

Colonel Campbell to Viscount Palmerston.—(Received February 14.)

MY LORD, *Cairo, January 10th*, 1839.

IT is with very great pleasure that I have the honour to report to your Lordship, that the Pacha during his present journey into Nubia and Sennaar, appears to have carefully examined and inquired into the different circumstances connected with the Slave Trade, and that effective measures will be taken by him to diminish this traffic as much as possible, and to ameliorate the evils of it. I have the honour to transmit to your Lordship an extract of a letter written by Dr. Gaetani Bey, the European Physician of the Pacha, to Clot Bey, an eminent French Physician at the head of the medical establishments in Egypt, and whose name is well known in Europe, and it is due to both Clot Bey and Gaetani Bey to say that they have always shown themselves decided advocates for the abolition of this nefarious traffic.

Your Lordship will see by the letter of Dr. Gaetani, that His Highness has already taken some measures in this affair; and I have every hope that on the return of the Pacha, he will officially communicate to me the measures which he has adopted, and which will thus be a guarantee for his fulfilment of them, and I shall not fail to press the matter strongly. Mr. Consul Thurburn also spoke to Boghos Bey on the same subject, and the Bey told him that, on the return of the Pacha from Fasoglou, he was convinced that he would take some steps, with a view to prevent further importation of negroes into Egypt, and that His Highness would also adopt any suggestion for the gradual abolition of slavery in this country, so as to reconcile that measure with the prejudices and feelings of the people.

Boghos Bey says that, he believes that according to the Musulman Law, no man has a right to hold a slave in slavery for more than seven years. If such be the case, I think that the Pacha, by enforcing that law, would alleviate the condition of those slaves who are dissatisfied with their masters, and he might introduce a system of registration, by means of which a check would be kept on the abuse of that law. It would also tend to prevent masters from treating their slaves with cruelty, though such an evil is of rare occurrence among Turks, who generally treat their slaves with great mildness.

I have, &c.

(Signed) PATRICK CAMPBELL.

The Right Hon. Viscount Palmerston, G. C. B., &c. &c. &c.

Enclosure in No. 11.

(Translation.) *Extract of a Letter from Dr. Gaetani Bey, dated Cartoum. December 9, 1838.*

THROUGHOUT our journey, we collected from the mouths of Europeans and Africans, accounts relative to the terrible traditions of the conquest, and above all, of the vengeful expedition of the Defterdar; and these accounts proved, that in many functionaries, hardened by a long residence to the sight of ferocious practices, the germs of instinctive humanity, have allowed themselves to be smothered, and replaced by barbarous habits.

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We learnt also, that as His Highness advanced towards the theatre of these deplorable scenes, his heart bled as the reports of them became more distinct, and some words which fell from him, made people presume, that he thought of healing old wounds, and preventing their re-opening.

I am now able to announce to you, with joy, a great measure which His Highness decided upon some days ago, and for the execution of which, the necessary orders have been issued. The Viceroy declared to us, that on the 4th of December, he had sent circulars into the mountains, and formal instructions to the chiefs of troops, to give full and entire guarantee to the Negroes, and to prevent, for the future, the terrible "Slave Hunt."

I considered myself doubly fortunate to see the initiative taken on this occasion by the great man, over whose health my duty and my affection make me watch incessantly, and who is good enough to permit me even to offer counsel and the free expression of my thoughts.

After this declaration of His Highness, I have not been able to refrain from telling him, that by it he had entered on the best way for conciliating the good will of Europe.

On this occasion His Highness marked, with extreme sagacity, the terms on which the abolition of slavery is practicable. Slavery said he, is, in fact, and by right, according to religion, incorporated in the great Mussulman race.

To attack it openly is impossible. All that depends on me is to forbid the hunt to the agents of my Government. By that, and by example, to diminish among the great, and by degrees among the small, the need of this institution, which has become domestic; such are the progressive and sure results of the decision which I have come to. I do not think that I ought to expect more at present; for I cannot effect more.

I rejoice, my dear friend, while I think of the good which may result from such a measure, which is at the same time humane and politic. The Negroes will perhaps apply with ardour to productive labour their members, freed and secured from all violence; and I believe that here, in Fasoglo, and higher up, the native Negroes are alone able to cultivate the ground successfully, as it has been remarked that the Indians of America are much superior to imported Negroes and half-castes.

I do not doubt that, on his return, His Highness will declare this act in a solemn manner, and then the cessation of slavery will have an official point of departure; and this ancient barbarous usage will begin to disappear little by little from the East, as it fell in the West, under the influence of religion, of science, and of industry.

It is with the liveliest satisfaction that I acquaint you that the health of His Highness has never for one moment suffered from fatigues, and that it continues to be excellent.

I have, &c.
(Signed) GAETANI BEY.

To Clot Bey.

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MEXICO.

No. 12.

Viscount Palmerston to Mr. Pakenham.

SIR, *Foreign Office, April* 1, 1839.

WITH reference to the instructions which I have on former occasions given, both to yourself and to Mr. Ashburnham, respecting the conclusion of a Treaty between Great Britain and Mexico, for the effectual suppression of the Slave Trade, I have to desire that you will take an early opportunity, after the receipt of this Despatch, strongly to urge the Mexican Government to bring to a satisfactory termination the negotiation, with which you have been charged upon this subject.

I am, &c.

(Signed) PALMERSTON.

Richard Pakenham, Esq.
&c. &c. &c.

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MONTEVIDEO.

No. 13.

Mr. Mandeville to Viscount Palmerston.—(Received February 6, 1839.)

My Lord, *Buenos Ayres, November 17th*, 1838.

I have the honour to acknowledge the receipt of your Lordship's Despatch, marked Slave Trade, of the 17th August, 1838.

In obedience to the instructions therein contained, I have addressed a letter to the Minister for Foreign Affairs of the new Government of the Republic of the Uruguay, of which the enclosed is a copy, wherein I have strongly urged His Excellency to renew the negotiations for the conclusion of a Slave Trade Treaty; and in the event of that Government consenting to my proposal, I shall not fail to avail myself of the instructions contained in your Lordship's Despatch, of the 22nd February, of this Series, in order to arrive at a successful issue with as little delay as possible.

In the note which I addressed to General Oribe, late President of that Republic, in September last, a copy of which was transmitted to your Lordship in my Slave Trade Despatch of the 5th of that month of this year, I stated that Her Majesty's Government is desirous to conclude with Montevideo a Treaty for the suppression of Slave Trade without waiting for the signature of a Treaty of Commerce, and I earnestly invited the Government of the Uruguay immediately to sign and conclude such a Slave Trade Treaty; but in the answer which His Excellency had directed M. Villademoros to address to me, enclosed in my Slave Trade Despatch of September 28th, no notice was taken of that part of my note to the President, in which the desire to conclude the Treaty had been manifested by Her Majesty's Government.

I have, &c.

(Signed) J. H. MANDEVILLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 13.

Mr. Mandeville to the Minister for Foreign Affairs of the Uruguay Republic.

The Undersigned, &c., has received instructions from His Government, to urge upon that of the Republic of the Uruguay, the renewal of the negotiations which he has at various times, since his arrival in this country proposed to, and once entered into with the late President of that Republic, and particularly in the note that he addressed to General Oribe in the month of September last, wherein, by the desire of Her Majesty's Minister for Foreign Affairs, he requested His Excellency to correct a mis-statement that is contained in His Excellency's Message to the Legislative Assembly of this year; in which, referring to the relations between Great Britain and the Republic, he stated that the British Government had declared that Great Britain would not conclude with Montevideo a treaty for the suppression of Slave Trade, unless the Government of Montevideo was prepared at the same time to conclude a Treaty of Commerce with Great Britain; which statement, as the Undersigned proceeded to prove in his note, was incorrect and without foundation, and again pressed upon His Excellency to sign and conclude a Slave Trade Treaty.

The British Government is ready at once to conclude with Montevideo a Treaty

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for the suppression of Slave Trade, without waiting for the signature of a Treaty of Commerce; and the Government of the Republic of the Uruguay, is hereby earnestly invited by that of Great Britain, immediately to resume the negotiations for the conclusion of such a Slave Trade Treaty.

The Undersigned avails, &c.

No date. (Signed) H. MANDEVILLE.

No. 14.

Mr. Hood to Viscount Palmerston.—(*Received March 30th*, 1839.)

(Extract.) *Montevideo, December 10th*, 1838.

DURING the end of October and the beginning of November, a report became very general that Don Santiago Vasquez, the Secretary to General Rivera, had sold a license to Teodoro Villaça, Lorenzo Perez, and Costa Guimaraens, granting them permission to import slaves, under the character of Negro colonists.

Your Lordship will not fail to recollect, that this scheme of introducing slaves under the character of their being *colonists*, was the creation of M. Vasquez, then Minister for Foreign Affairs of General Rivera's Presidency in 1832. This gentleman has always been the zealous and active advocate of slavery, and of making it the source of a national income; and in defence of this traffic, condemned by all civilised nations, he then contended, and still contends, that the Republic is an independent state; that its right to trade generally is undeniable, and if it chooses to trade in slaves, it has the indisputable right to do so.

The principal obstacle to these opinions, was the Acts and Decrees of the late Constitutional General Assembly, who had, in the most formal manner, proscribed that iniquitous traffic, and in its place encouraged an extensive emigration of labourers, from the Basque Provinces and from the Canary Islands.

Although I had repeatedly been assured, by good authority, of the existence of this secret Slave Trading company, and of their plan of enlisting half of Montevideo as small shareholders, to make the traffic popular, I still was not altogether convinced, until I received a note from Mr. Vasquez (a copy of which I enclose), in which it appeared extraordinary that the Government should think it necessary to acquaint an English Consul, that a Brazilian vessel had run away from the port, when there were Brazilian vessels of war in harbour, but no English ones. This circumstance created a suspicion in my mind which induced me to inquire of other Consuls, whether they had received a similar information, but they knew nothing of the matter. I then called upon the Brazilian Commodore in command of the port, but so far from his having heard anything of this vessel running away, he informed me that he had sent official despatches to the Brazilian Government by that identical vessel. Upon further inquiry, I discovered she had been sent on a slaving voyage, to touch at Rio de Janeiro, and there procure the necessary cargo for the Coast of Africa. I enclose my reply to this note.

First Enclosure in No. 14.

M. Vasquez to Mr. Hood.

(Translation.) *Montevideo, December 5th*, 1838.

THE Captain of the Port has just made known to His Excellency the General-in-Chief, that the Brazilian brig "*Principe Imperial*" has sailed to-day from this port without asking for the necessary visit, and consequently leaving in his office all the papers which belong to her. His Excellency has ordered me to bring to the knowledge of the Consul-General of Her Britannic Majesty the kind of suspicion, which naturally falls upon an act of this character, in order that he may use this knowledge as he may think best.

I avail, &c.

(Signed) SANTIAGO VASQUEZ.

To the Consul-General of Her Britannic Majesty.

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Second Enclosure in No. 14.

Mr. Hood to the Commander-in-Chief.

THE Undersigned, Her Britannic Majesty's Consul-General, has the honour to acknowledge the receipt of His Excellency the Commander-in-Chief's note of the 5th instant, and in reply he begs to observe, that, unluckily, there are no British ships of war disposable at this port to go in pursuit of the runaway vessel, which, however, may be of the less importance, since two Brazilian men-of-war are at anchor off the city.

Resulting from the inquiries which the Undersigned has been able to make upon the whole matter, he thinks it his duty to say, that it would appear more than likely that the Brazilian brig "*Principe Imperial*" will have proceeded to Angola, or some other port on the coast of Africa.

The Undersigned will have the honour to communicate to Her Majesty's Government the obliging information of His Excellency, and he avails himself of this occasion to repeat his high consideration and respect.

(Signed) THOMAS SAMUEL HOOD.

Montevideo, December 8th, 1838.

His Excellency the General-in-Chief of the Constitutional Army.

No. 15.

Mr. Mandeville to Viscount Palmerston.—(*Received April 7.*)

MY LORD, *Buenos Ayres, January 5th,* 1839.

I HAVE the honour to transmit to your Lordship a copy of a note, with a translation of it, which I have received in answer to that which I addressed to the Minister for Foreign Affairs at Montevideo, on the 15th of November last, in which I urged His Excellency to re-commence, and conclude, the negotiations for a Treaty with Great Britain, for the suppression of the Slave Trade in the Republic of the Uruguay.

M. Vasquez informs me, in his note, that General Ribera, who has at present the direction of the Government of that Republic, is animated with the greatest desire of cultivating and improving the friendly relations, which exist between that State and Great Britain, and His Excellency regrets that at this moment he is not invested with sufficient powers to enter into the negotiations which are proposed to him; but that, on deposing the authority which he exercises at present, into the hands of the constitutional Powers which, in a very few days, are to be re-established, he will recommend to them most especially this matter, although the Slave Trade is prohibited by the constitution, and consequently is not permitted within the territories of the State.

The Minister then mentions, that an importation of Africans, under the denomination of colonists, has been permitted in the Republic, which experience has shown to be as favourable to the country, which is in want of labourers, as it is to the individuals themselves; and His Excellency the General in Chief is of opinion that this benefit, and that which the treasury receives from the sums produced by their importation, may be made to accord with the wishes of the British Government, by means of stipulations, entered into with advantage and justice to both parties. His Excellency flatters himself, that the most satisfactory results will arise from the ulterior regulations, which the constitutional authority will adopt, and assures me, that to attain them, he will use all the influence which his position gives him.

As I should very reluctantly enter into any negotiation on the subject of African colonists, without further instructions from your Lordship, I beg leave to request that you will be pleased to direct what language I am to hold, when this matter comes under discussion.

I have, &c.

(Signed) J. H. MANDEVILLE.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

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Enclosure in No. 15.

Mr. Vasquez to Mr. Mandeville.

Montevideo, December 15th, 1838.

The Undersigned Secretary has had the honour of receiving and laying before His Excellency the General in Chief of the Constitutional Army, the Despatch of His Excellency Mr. Mandeville, Minister Plenipotentiary, &c., dated Buenos Ayres, the 15th of last month, in which he is pleased to state to him, that in September last he found himself obliged to request of the ex-President of the Republic, the correction of that part of the message, which he addressed in the present year to the legislative body, wherein it was stated that the British Government had not wished to conclude a Treaty for the suppression of the Slave Trade, unless a Treaty of Commerce should be entered into at the same time; assuring His Excellency that Great Britain is disposed to conclude the Convention for the abolition of the Slave Trade, without waiting for the settlement of a Treaty of Commerce, and inviting again the Government of the Republic to renew immediately the negotiations for the conclusion of that Treaty.

His Excellency the Commander in Chief, animated with the most arduous wishes of cultivating and improving the relations, which happily reign between the two countries, bound by ties and sympathies so strong as those that prevail between this Republic and Great Britain, has been pained not to find himself at this moment invested with powers sufficient to open the negotiations which are proposed, but he has directed me to inform you, that on deposing the authority, which he exercises at present by the force of events, into the hands of the constitutional powers which, within a very few days, are to be re-established; he will recommend to them most especially this matter, although the Slave Trade is prohibited by the Constitution, and that, consequently, it does not exist in the Republic; and although the importation of Africans which has been allowed into it has been under the character of colonists, in which experience shows that they have been equally favoured with the country that receives them, the increase of which labourers it greatly wants. His Excellency the General is of opinion that this benefit, and that which the treasury receives from the sums produced by their importation, which, although employed afterwards for the benefit of the same negroes, serve as a great relief towards the exigencies of the national treasury, may be reconciled with the wishes of the British Government, and with the purity of principle which the Republic professes, by means of stipulations directed with success and justice.

His Excellency the General, flatters himself with the most satisfactory result from the ulterior, regulations which the constitutional authority will come to, and he assures the Minister Plenipotentiary, that in order to attain it, he will use all the influence which his position gives him.

The undersigned, &c.

(Signed) SANTIAGO VASQUEZ.

To Mr. Mandeville,
&c. &c. &c.

No. 16.

Mr. Mandeville to Viscount Palmerston.—(Received April 7.)

My Lord, *Buenos Ayres, January* 24, 1839.

I have received a letter from Her Majesty's Consul-General at Montevideo, in which he acquaints me that a new method of smuggling slaves into the Republic of the Uruguay, has been there adopted: it is managed in this way. A Brazilian subject, for Mr. Hood observes that they are mostly Brazilians who are engaged in this traffic, becomes owner of a vessel under Montevidean colours. He sends a cargo from Montevideo to Rio de Janeiro, where the vessel receives in return, Brazilian produce, with which is obtained a regular clearance, and she sails back to Montevideo. Having got outside the harbour of Rio, little sail is made, and at night, a boat comes off from the shore, with 20 to 40 negroes, and these are landed at Maldonado, or in the neighbourhood, and then the vessel makes her entry into Montevideo in the usual manner, and no questions are

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asked. By a systematic repetition of this fraud, a great number of slaves are introduced into the Banda Oriental.

I have thought it my duty to report to your Lordship on this retail traffic in slaves, that measures may be taken by Her Majesty's Government, to put an end to such iniquitous proceedings.

I have, &c.

(Signed) J. H. MANDEVILLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 17.

Viscount Palmerston to Mr. Mandeville.

SIR, *Foreign Office, April 25th*, 1839.

I HAVE received your Despatch, Slave Trade, of the 5th of January, 1839, transmitting copy, and translation of a note from M. Vasquez, in answer to your note to him, urging a renewal of the negotiations for a Treaty between Great Britain and Montevideo, for the suppression of the Slave Trade of Montevideo.

I perceive that M. Vasquez expresses a hope, that stipulations may be admitted into that Treaty, which shall have the effect of sanctioning the importation of Africans into Montevideo, under the denomination of Colonists.

But, upon this point, you will observe to the Montevidean minister, that the term African Colonist is only another expression for the term African slave; and you will give him clearly to understand, that the British Government can enter into no arrangement, which would have the effect of sanctioning under one name, a practice, which such arrangement professed to put down under another name. You will, at the same time, urge the Montevidean Government to accede to the just desires of Her Majesty's Government, by concluding a Treaty upon Slave Trade without any further delay.

I am, &c.

(Signed) PALMERSTON.

J. H. Mandeville, Esq.
&c. &c. &c.

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PERU.

No. 18.

Mr. B. Wilson to Viscount Palmerston.—(*Received January* 16, 1839.)

My Lord, *Lima, September 21st*, 1838.

I have the honour to acknowledge the receipt of your Lordship's Despatch, marked "Slave Trade," of the 30th of April last, together with the full powers therewith transmitted, to enable me to conclude and sign a Treaty on behalf of Great Britain with the Peru-Bolivian Confederation, for the entire suppression of the Slave Trade, and for declaring that the crime of Slave Trade shall be considered and treated as piracy.

I have likewise received an amended draft of the whole Treaty, and the draft of two additional Articles thereto, which I am empowered to propose to the Peru-Bolivian Government.

The circumstance of the groundless and wasteful war, so obstinately persevered in by Chile against the Peru-Bolivian Confederation, will, I fear, amongst other evils attending it, prejudice the interests of civilization and humanity, retarding the conclusion of this Treaty, to which His Excellency, General Santa Cruz, Supreme Protector of the Peru-Bolivian Confederation, has formally expressed his willingness to accede. And should, unfortunately, the Government of Chile succeed in overthrowing the Peru-Bolivian Confederation and the enlightened Government of General Santa Cruz, which are the declared objects of the war, I much dread that a Peruvian Government would decline to enter into the negotiation of such a Treaty.

But your Lordship may rest assured that its negotiation shall not be retarded by any want of zeal on my part.

I have, &c.

(Signed) B. H. WILSON.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 19.

Mr. Wilson to Viscount Palmerston.—(*Received April 22nd*, 1839.)

My Lord, *Lima, December 12th*, 1838.

In obedience to the instructions with which I was honoured in your Lordship's Despatch, dated the 9th of June last, I immediately transmitted to the Peru-Bolivian Government the copy of the Resolution, which was voted unanimously by the House of Commons on the 10th of May, 1838, for an Address to Her Majesty upon Slave Trade; and a copy of the Answer which, on the 23rd of the same month, Her Majesty was pleased to return to that Address; and I at the same time earnestly pressed upon them the immediate conclusion of the negotiation upon the subject of the extinction of the traffic in slaves; into which His Excellency the Proctor, Santa Cruz, formally expressed his readiness to enter, in the note which his Secretary-General addressed to me, under date of the 20th October, 1836.

Enclosed are copies of my Despatch, and of the reply thereto (with its corresponding translation) of the Minister of Foreign Affairs, stating the grounds upon

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which his Government deem it to be inexpedient, at the present moment, to conclude that negotiation.

It is, however, but justice to His Excellency, the Protector, to express my entire confidence in the sincerity of his declared willingness to contribute to the extinction of the infamous traffic in slaves, by the conclusion of a Treaty with Great Britain to that effect, the moment the political circumstances of the country will allow of the question being fairly and dispassionately entertained by the Government and nation at large.

Any attempt, however, at negotiation upon this subject, so long as a Chilean invading army and a Chile-Peruvian Government, supported by its bayonets, shall exist in the Peruvian territory, would be eagerly seized hold of by them as a handle to misrepresent the true character and object of the negotiation, with a view to inflaming the minds of the people of North Peru against the Protectorial Government.

But I entertain hopes, that His Excellency will at the proper time, be enabled to procure the introduction into any constitution, which may hereafter be formed for the future government of the Peru-Bolivian Confederation, of an Article declaring that the crime of Slave Trade shall be considered and treated as piracy; and thereby facilitating the negotiation of a Treaty with Great Britain for the entire suppression of that traffic.

Your Lordship may be satisfied that I shall myself omit no step, calculated to bring the negotiation with which I am charged to an early and successful conclusion.

I have, &c.

(Signed) B. H. WILSON.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

First Enclosure in No. 19.

Mr. Wilson to the Minister of Foreign Affairs.

Her Majesty's Legation,
Lima, November 30th, 1838.

Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, has, by express command of Her Majesty, instructed the Undersigned to communicate to the Peru-Bolivian Government the Copy of a Resolution, which was voted unanimously by the British House of Commons, on the 10th of May, 1838, for an Address to Her Majesty upon Slave Trade, and a Copy of the Answer which, on the 23rd of the same month, Her Majesty was pleased to return to that Address.

The Peru-Bolivian Government will see, from these two papers herewith transmitted, the unceasing and anxious desire of the Parliament and Government of Great Britain for the extinction of the traffic in slaves; a desire which, it is but justice to state, has hitherto been fully sympathised in by the Peru-Bolivian Government, in common with those of all the states of the Spanish-American continent.

Viscount Palmerston has furthermore instructed the Undersigned earnestly to press upon the Peru-Bolivian Government the immediate conclusion of the negociations with which he has been charged upon this subject, and into which His Excellency, the Supreme Protector, expressed his readiness to enter, in the note with which General Don Pio de Tristan, the Secretary-General of his Excellency, honoured the Undersigned under date of the 20th of October, 1836.

The Undersigned, &c.

(Signed) B. H. WILSON.

The Minister for Foreign Affairs,
&c. &c. &c.

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Second Enclosure in No. 19.

(Translation.) *Senhor Casimiro Olañeta to Mr. B. H. Wilson.*

SIR, *Protectoral Palace in Lima, December* 6, 1838.

NOTHING is more in accordance with the spirit of the age in which we live, with the principles of Christianity, whose beneficent influence has so softened down the fierceness of national customs, and with the progress of social improvement, than the abolition of the traffic in slaves. His Excellency the Supreme Protector, views in this infamous commerce the human species degraded, by this sordid conversion of fellow-creatures into marketable commodities, thereby occasioning the retrocession of human reason to a pristine state of barbarism.

Every measure that in any way may tend to diminish the system reprobated by universal justice and by the Gospel, is in accordance with those noble sentiments which elevate the civilized condition of man; wresting him from the power of his oppressors, and from the servitude to which he is destined by the avarice of criminal speculations. These, sir, are the sentiments of my Government, who is sincerely desirous of seeing them practically established throughout the world, and all Governments agreed in eradicating sentiments contrary to such enlightened doctrines. But there are particular circumstances in which Governments cannot always give an unlimited extension to their policy, on account of the greater evil which might therefrom result.

You are well acquainted with the iniquitous means which the Government of Chile employs to continue and sustain its war against Peru, and it would be sufficient that His Excellency should consent to the just indication of Her Britannic Majesty's Government, that the party in Peru which is sustaining the Chilean invasion, should represent this measure as one destructive to the interest of agriculture; and consequently, converting a principle of eternal justice into a pretext for exciting a feeling against the Protectoral Government.

His Excellency has convened the Assemblies of North and South Peru. If the Confederation shall continue, the Government will propose to the General Legislative Body the basis of a treaty, and will exert all its influence to promote the practical adoption of an incontrovertible axiom, such as the abolition of the traffic in slaves. This is in accordance with the ancient fundamental laws of Peru, with her Treaty with Colombia, and with the progress of civilization. With respect to Bolivia, the constitution enacts severe punishments against this traffic, and happily ere long will be therein abolished the very names of masters and slaves.

Condescend, sir, to represent these sentiments to your Government, and to receive the assurances of my highest consideration.

(Signed) CASIMIRO OLAÑETA.

To Mr. Wilson,
&c. &c.

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VENEZUELA.

No. 20.

Sir R. Ker Porter to Viscount Palmerston.—(Received March 28.)

My Lord, *Caracas, January 4, 1839.*

I have the honour to acknowledge the receipt of your Lordship's Despatch, "Slave Trade," of December last, transmitting to me your instructions relative to the alterations proposed to be made in the Treaty concluded between Great Britain and Venezuela, on the 19th of May, 1837, for the suppression of the Slave Trade, to which I will most faithfully attend, should the Congress object to its ratification in the form originally concluded.

Having the honour, &c.

(Signed) ROBERT KER PORTER.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

No. 21.

Sir R. Ker Porter to Viscount Palmerston.—(Received May 20th.)

My Lord, *Caracas, February 23, 1839.*

I regret to inform your Lordship, that the present Congress has refused its approbation to the Treaty concluded on the 19th of May, 1837, for the abolition of the traffic in slaves, in consequence (as stated in the enclosed copy of a decree thereon) of Venezuela not having it in her power to fulfil some of the stipulations; and that also, from the nature of her institutions, the National Representation could not pledge itself to the fulfilment of others, without becoming greatly embarrassed thereby.

On receiving officially this information, I made known to the Minister for Foreign Affairs, that Her Majesty's Government, for the sake of obtaining the ratification of a Treaty of this nature, had consented to the alterations contained in his communication to me of the 25th of September last.

In consequence, therefore, of this information, His Excellency the President has named a Señor Josè Santiago Rodriquez, Judge Fiscal of the Supreme Court, as Plenipotentiary on the part of Venezuela, to negotiate and conclude a new Treaty, who will be furnished with instructions accordingly.

Should the spirit, which has influenced the Legislative Chambers to refuse their consent to the Treaty of May 1837, as well as of the instructions given to Señor Rodriquez, appear to me, during our conferences to incline him to cling most tenaciously thereto; and that by my making conciliatory changes in the points objected to, or by the revision of several of the Articles would meet such objections, without taking from the true spirit and great end of the Treaty; I think I may agree to them, authorized as I am by the Royal full Powers, should I find such unavoidable, according to my own judgment. I trust, however, my Lord, you will not deem this, as having lost sight of your instructions of December last, touching this second Treaty; but attribute it to my zeal, that the wishes of Her Majesty's Government should be accomplished.

I have, &c.

(Signed) ROBERT KER PORTER.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

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Enclosure in No. 21.

(Translation.) Decree.

The Senate and Chamber of Representatives assembled in Congress.

Having seen the Treaty of the Abolition of the Traffic in Slaves, signed in the city of Caracas on the 19th of May, 1837, and its annex of the same date, by the Plenipotentiaries of Venezuela and of His Majesty the King of the United Kingdom of Great Britain and Ireland, each fully authorised by their respective governments,—consider, amongst other things, firstly, that Venezuela, by her laws, has co-operated, and will co-operate, efficaciously for the abolition of the traffic in Slaves, as far as it lays in her power; and secondly, that, for want of means, it becomes impossible for her to fulfil some of the stipulations of the Treaty; and, also, that from the nature of the institutions of the country, were the National Representation to pledge itself to the fulfilment of some of the others, would become thereby greatly embarrassed;

Decree,

That the Congress does not give its consent and approbation to the Treaty on the Abolition of the Traffic in Slaves, signed in Caracas on the 19th of May, 1837, by the respective Plenipotentiaries of Venezuela and of the King of the United Kingdom of Great Britain and Ireland.

Done in Caracas, February 12*th*, 1839.

(Signed) JOSE' VARGAS,
President of the Senate.
JUAN MANUEL MANRIQUE,
President of the Representatives.
JOSE' ANGEL TREYRE,
Secretary to the Senate.
RAFAEL ACEVEDO.

Let this be carried into effect.

(Signed) JOSE' ANTONIO PAEZ.
GUILLERMO SMITH,
Secretary for Foreign Affairs.

Caracas, February 13*th*, 1839.

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UNITED STATES.

No. 22.

Viscount Palmerston to Mr. Fox.

SIR, *Foreign Office, February* 5, 1839.

I HEREWITH transmit to you copies of papers, which I have received from the Admiralty, relating to an American schooner named the "*Mary Hooper*," belonging to Philadelphia, and met with recently off the Gallinas on the coast of Africa, under circumstances which give reason to believe, that she was destined for Slave Trade.

You will transmit copies of these papers to Mr. Forsyth; and you will, in a note accompanying them, request the serious attention of the United States Government to the increasing abuse, which is made of the flag of the United States by pirates of other nations, for the purpose of protecting their criminal undertakings in Slave Trade.

You will further state in your note on this subject to Mr. Forsyth, that Her Majesty's Government cannot doubt, that the United States Government will take some effectual steps to rescue the flag of the Union from the discredit, which such proceedings tend to cast upon it.

I am, &c.

H. S. Fox, Esq., (Signed) PALMERSTON.
&c. &c. &c.

First Enclosure in No. 22.

Sir John Barrow to Mr. Strangways.

SIR, *Admiralty, January* 11*th*, 1839.

I AM commanded by my Lords Commissioners of the Admiralty to send herewith, for the information of Viscount Palmerston, copies of a letter, dated the 4th of November last, from Rear-Admiral the Honourable George Elliot, Commander-in-Chief of Her Majesty's ships and vessels on the Cape of Good Hope and African station, and of its enclosure from Lieutenant Kellett of the "Brisk," on the subject of his having boarded an American schooner, supposed to have been proceeding on a slaving voyage.

I am, &c.

(Signed) JOHN BARROW.

The Honourable W. Fox Strangways,
&c. &c. &c.

Second Enclosure in No. 22.

Rear-Admiral Elliot to Mr. Wood.

SIR, *Melville Simon's Bay, November* 4*th*, 1838.

I HAVE the honour to forward, for the consideration of my Lords Commissioners of the Admiralty, copy of a letter from Lieutenant Kellett, of Her Majesty's brig "Brisk," on the subject of his having boarded an American schooner, supposed to be proceeding on a slaving voyage.

I have, &c.

Charles Wood, Esq., (Signed) GEORGE ELLIOT.
&c. &c. &c. *Rear-Admiral Commanding-in-Chief.*

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Third Enclosure in No. 22.

Lieutenant Kellett to Admiral Elliot.

Her Majesty's brig "Brisk,"
lat. 7° 0′ 7″ n., lon. 12° 31′ w., 19th July, 1838.

SIR,

I HAVE the honour to inform you that, when cruizing for the interception of slave-vessels from the "Gallinas" and Sherbro, I boarded the American schooner "*Mary Hooper*," belonging to Philadelphia, who received at Havana her cargo of Aguardiente, navigated by a crew of seven men. She had on board nine passengers, Spaniards and Portuguese, with a Spaniard as supercargo, and is consigned to a notorious slave trader at the Gallinas, Charles M. Bergstraud, the master and nominal owner, has been twice taken for breaches of the slave-laws. The vessel called at Port Praya, and I have no doubt received other papers there; the Master did not deny the fact. The passengers are, I have no doubt, intended to assist in navigating the vessel where her slaves are on board, as she was under the American flag, I did not feel myself justified in making any search for other papers.

I have, &c.
(Signed) ARTHUR KELLETT.
Lieutenant and Commander.

Rear-Admiral the Hon. George Elliot, G.C.B.,
&c. &c. &c.

No. 23.

Viscount Palmerston to Mr. Fox.

SIR,

Foreign Office, February 20th, 1839.

I HEREWITH transmit to you a copy of a Despatch from Her Majesty's Commissioners at the Havana, containing a report of the state of the Slave Trade at the date of their letter.

You will communicate to the United States' Government the contents of that Despatch, and you will state that Her Majesty's Government have experienced much satisfaction at learning the steps which the United States' Government have adopted, in order to prevent the flag of the Union from being used for the purpose of covering and protecting the Slave Trade.

I am, &c.,
H. S. Fox, Esq. (Signed) PALMERSTON.
&c. &c. &c.

Enclosure in No. 23.

Havana Commissioners, December 24th, 1838.

(See Class A, No. 38, p. 101.)

No. 24.

Viscount Palmerston to Mr. Fox.

SIR,

Foreign Office, February 23rd, 1839.

I HEREWITH transmit to you an extract from a Despatch which I have received from Her Majesty's Commissioners at the Havana, containing a statement of the Slave Trade at that Port and its neighbourhood during the year 1838. You will see by that paper that, in the year 1838, no less than 19 American vessels have been engaged in the Cuba Slave Trade.

You will present a note on this subject to the American Minister; you will express the regret of Her Majesty's Government at hearing, that American citizens and ships are engaged in Cuba in promoting that trade in slaves which it is the

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object of the United States, as well as of Great Britain, to suppress; but you will express the confidence of Her Majesty's Government that the United States' Government will take every step within their power, for preventing such abuses of the flag of the Union.

I am, &c.,

H. S. Fox. Esq., (Signed) PALMERSTON.
&c. &c. &c.

Enclosure in No. 24.

Havana Commissioners, January 1, 1839.

(See Class A, No. 41, page 103.)

No. 25.

Viscount Palmerston to Mr. Fox.

SIR, *Foreign Office, March* 22, 1839.

I HEREWITH transmit to you copies of papers, which have been received at the Admiralty, showing that the American Consul at the Havana has affixed his name to the papers of vessels about to be engaged in the forbidden traffic in slaves, and has likewise signed blank forms, to be filled up at pleasure by the persons in command of those vessels.

Her Majesty's Government are unwilling to believe, that any functionary of the United States would intentionally assist the traffic in question; but, in cases of this kind, carelessness leads nearly to the same result as actual connivance.

Her Majesty's Government cannot doubt that the Government of the United States will caution the American Consul at the Havana to use, in future, more circumspection in matters of this kind, and to exert all the vigilance in his power to prevent Slave Traders from screening themselves under the protection of the American flag.

I am, &c.

H. S. Fox, Esq., (Signed) PALMERSTON.
&c. &c. &c.

First Enclosure in No. 25.

Admiral Elliot to Mr. Wood.

SIR, *Melville Ascension, 1st January*, 1839.

I HAVE the honour to enclose for the information of my Lords Commissioners of the Admiralty, copies of letters and returns from certain of Her Majesty's ships and vessels under my orders, relative to the capture of vessels engaged in the illicit traffic in slaves. With reference to the latter part of my letter of the 19th November last, (I beg leave to call their Lordships' attention to the circumstance of the American Consul at the Havana, affixing his signature to the papers of vessels about to be engaged in the detestable traffic alluded to under the Portuguese flag, as stated by Lieutenant Arthur Kellett, of Her Majesty's brig, "Brisk,") and in the report of Lieutenant Oliver of the "Fair Rosamond," as well as the said Consul signing *blank forms*, to be filled up at the pleasure of the persons in command of these vessels.

I am, &c.

(Signed) GEORGE ELLIOT,
Rear Admiral and Commander-in-Chief.

To Mr. Wood,
&c. &c. &c.

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Second Enclosure in No. 25.

Lieutenant Kellett to Admiral Elliot.

Her Majesty's brig "Brisk."
Sierra Leone, August 8, 1838.

SIR,

I HAVE the honour to inform you, that I arrived here this day from the River Gambia, where I had been, in obedience to your orders, to put myself in communication with the Governor of that settlement. I remained there twelve hours, and have called in here for information, which I expect to receive relative to the sailing of slaves from the Sherbro and Gallinas, for which cruizing, I proceed to-morrow. I have to inform you that, during my late cruize to the Gambia, I boarded the Portuguese schooner, "*Senhora de Bon Viagem*," from the Havana, at which place she cleared out for Port Praya; but did not call there, and was on her way to the Island of St. Thomas. I beg to state, that I examined her papers, and found that the American Consul at the Havana had signed all her papers, his reason for so doing being expressed in them, viz. :—

There being no Portuguese Consul, or other authorised agent there from the Portuguese Government, to do so.

I have, &c.

(Signed) ARTHUR KELLETT, *Lieutenant Commanding.*

To Admiral Honourable George Elliot, C.B.
&c. &c. &c.

Third Enclosure in No. 25.

A RETURN of VESSELS engaged in the Slave Trade, searched and detained by Her Majesty's Ships and Vessels, under the Orders of Rear-Admiral Hon. J. Elliot, C.B., on the Cape and African Station, between the 1st October and 31st December, 1838.

Name of Prize.	Under what Colours.	How Rigged.	No. of Men.	No. of Guns.	No. of Tons.	No. of Slaves on board.	How and where taken: if at sea, Lat. and Long.	Whence.	Whether Bound.	No. of Days out.	REMARKS.
1. Paquete Felis	Portuguese	Two Topsail Brig.	28	..	115	196	July 19, 1838 Lat. 4° 15′ N. Long. 7° 30′ E.	Bonny	St. Jago de Cuba	1	Detained by "Fair Rosamond."
2. Constituçao	..	Two Topsail Schooner	24	4	115	None	Accra Roads,	Havana	St. Paul's de Loanda, and Matanzas.	64, from Havana	Detained by "Fair Rosamond." She produced a Cape Verd Island paper, *dated 10th December*, 1837, stating her to be *American built*, in which the name of the Captain differs from that on the muster-roll: found Spanish Custom-house clearances, to which are affixed the name of Mr. Trist, as American Consul, there being no Portuguese at the Havana. All eleven passengers had Spanish passports, and evidently held the highest offices on board. One stated himself to be the owner of both vessel and cargo; found in his desk certificate of his birth as a Spaniard, and several printed forms signed by Mr. Trist, *left blank* for them to fill up at pleasure. Found a Spanish log in the main hold, and a *Spanish ensign* secreted. She had four men neither accounted for by muster-roll or passports—making a total of thirty-nine. Her cargo is rich, consisting of powder, spirits, silks, Manchester goods, and tobacco: has slave-irons, plank for deck, large coppers and leagers.
3. Dulcinea . .	Portuguese	Schooner	16	..	80	253	Oct. 31 Lat. 4° 16′ N. Long. 3° 44′ E.	Lagos.	Havana	4	Detained by "Pelican." Six slaves had died, the remainder were healthy; the vessel in good order, her sails new.

Melville, Ascension, 1st January, 1839.

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No. 26.

Viscount Palmerston to Mr. Fox.

SIR, *Foreign Office, 1st April*, 1839.

I HEREWITH transmit to you copies of papers which I have received from the Admiralty, shewing the manner in which, the flag of the United States has, in various cases, been used to protect undertakings of slave traders; and stating, that, in one case, that, namely, of the American brig, "*Dido*," evidence upon oath can be procured to prove the facts.

You will send to Mr. Forsyth copies of these papers, together with a note, in which you will state to Mr. Forsyth, that Her Majesty's Government feel confident, that the United States Government will, upon the information here given, take proper steps for preventing the flag of the Union from being used to defeat the declared purposes of the Federal Government.

I am, &c.
(Signed) PALMERSTON.

H. S. Fox, Esq.
&c. &c. &c.

Enclosure in No. 26.

Mr. Wood to Mr. Strangways.

SIR, *Admiralty, 20th March*, 1839.

I AM commanded by my Lords Commissioners of the Admiralty, to send you herewith copies of a letter dated the 2nd of January last, from Commodore Sulivan, senior officer of Her Majesty's ships and vessels, on the eastern coast of South America, and of its inclosures, from Lieutenant Birch, in command of Her Majesty's brig "Wizard," relative to the abuse of the American flag, for the purpose of carrying on the slave traffic, and to the state of that trade, at the ports to the northward of Rio de Janeiro; and I am to request that you will lay the same before Viscount Palmerston, for his Lordship's information.

I am, &c.
(Signed) JOHN BARROW.

The Honourable W. F. Strangways,
&c. &c. &c.

Sub-Enclosure A. in No. 26.

Commodore Sulivan to Mr. Wood.

SIR, *H.M.S.* "Stag," *Rio de Janeiro, 2nd January*, 1839.

I HAVE the honour to transmit, enclosed, the copies of a letter and representations I have received from Lieutenant J. T. Birch, respecting the Slave Trade at the northern ports.

I have, &c.
(Signed) T. B. SULIVAN, *Commodore.*

To C. Wood, Esq.,
&c. &c. &c.

Sub-Enclosure B. in No. 26.

Lieutenant Birch to Commodore Sulivan.

SIR, *H.M. Brig "Wizard," off Bahia, 18th December*, 1838.

IN compliance with your desire, that my observations on the abuse of the American flag, for the purpose of carrying on the Slave Traffic, should be communicated officially:

I have the honour to enclose the accompanying representations, in the form of

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letters, that may be used either individually or collectively, as you may deem expedient.

I have, &c.
(Signed) THOMAS F. BIRCH,
To Commodore T. B. Sulivan, C.B., *Lieutenant Commanding.*
Rio de Janeiro.

Sub-Enclosure C in No. 26.

Lieutenant Birch to Commodore Sulivan.

SIR, *H.M. Brig* "Wizard," *off Bahia, 12th November,* 1838.

I HAVE the honour to report, that we boarded, on the 16th September, off Point St. Antonio, (Bahia,) the "*Eagle,*" of Baltimore, a two-topsail schooner, of 210 tons, under American colours, John Littig, Master, with crew and passengers, in all 21 men, from St. Thomas, on the Line, in ballast. Her American papers were produced, and I did not conceive myself warranted in searching her. It was reported in Bahia that she had landed slaves to the northward; and her appearance on boarding warranted the suspicion.

The Brazilian authorities appear to have been satisfied, as, on the 19th October, she sailed with a general cargo for the Coast of Africa.

I have, &c.
(Signed) THOMAS F. BIRCH,
To Commodore T. B. Sulivan, C.B., *Lieutenant Commanding.*
Rio de Janeiro.

Sub-Enclosure D in No. 26.

Commander Birch, to Commodore Sulivan.

SIR, *Her Majesty's brig, "Wizard," off Bahia, 12th November,* 1838.

I BEG to submit to your notice, the following statements relative to the extensive share the American flag has, in forwarding and covering the traffic on slaves, carried on by parties in the port of Bahia.

The American brig "*Dido,*" of Baltimore, her Master —— Phillips, and —— Manuel, supercargo, when under American colours, and *vice versâ* when under the Portuguese colours; left the Havana about March, 1837, with a general slave cargo, consisting of arms, ammunition, spirits, tobacco, &c. &c., touched at Port au Prince, St. Domingo, also at Bonavista, Cape Verde Islands, where it is probable she got Portuguese papers, after the usual sham sale was effected; from thence she proceeded to Oney, River Lagos, in the Bight of Benin, and after leaving there, disposed of her cargo, visited Whydah, where she provisioned; returning to Lagos, she finally sailed with 575 slaves on board, her crew consisting of ——, Philips, Master, Manuel, Supercargo, second Mate a relation of Philips, an American Mulatto, a Sicilian (since murdered at Bahia,) a Norwegian, two Portuguese, and an Englishman, James Fox. After three weeks' passage, she made the sand hills, to windward of Bahia, on reconnoitring the port, Her Majesty's sloop "Sparrowhawk," was observed at anchor; upon which they hauled off, hoisting, however, their distinguishing flag forward, and American colours abaft, which was acknowledged from the village outside the bar; that same evening 570 slaves, (five having died on the passage,) were landed close to the point Itapacau, at the village. During the night, "*Dido*" was cleaned out, and made her appearance in Bahia, next day under American colours.

The above confirms what I had before learnt from report at Bahia.

James Fox, now serving in the "Wizard," states, that he would have no objection to make oath to the truth of the above statement, provided security was warranted against his being tried for a misdemeanour, or otherwise punished for his share in the transaction.

James Fox received 75 dollars a month as wages, and 100 dollars bounty, when slaves were landed.

The "*Dido*" was under Portuguese colours at Lagos.

The "*Dido*" left Bahia again on the 27th July, with a general cargo for the

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coast, and was expected by the "*Mary Lushing*" of Baltimore, as having been left by her in September, in Lagos River in the Bight of Benin.

I have, &c.

(Signed) THOMAS F. BIRCH, *Lieutenant Commanding.*

Commodore Sulivan, C.B.,
&c. &c. &c.

Sub-Enclosure E in No. 26.

Lieutenant Birch to Commodore Sulivan.

SIR, *Her Majesty's brig "Wizard," off Bahia, December 20th,* 1838.

I HAVE the honour to report that Her Majesty's brig boarded on the 10th November, off Bahia, the "*Mary Lushing*" of Baltimore, schooner of 140 tons, under American colours, Reynolds, Master, with a crew of 10 men, all either Portuguese or Spanish, from Lagos and Princes Island, in ballast, bound to Bahia.

Her Master volunteered leave to inspect between decks. Four leaguers and about 20 water-casks were observed in her hold, and also a quantity of loose plank, her range coppers were much larger than those generally used in merchant vessels.

In Bahia it was well known she had been sold to parties at the Havana, for the purpose of slaving; that the former American Master remained on board, with the register, that she might still bear the flag of the United States.

From the Havana she went to Oney, river Lagos, for the purpose of taking in slaves, but being closely watched by one of Her Majesty's cruizers, she, after a stay of some weeks, sailed, and finally came to Bahia in ballast. She is expected shortly to sail for the coast with a general cargo and the first good opportunity that offers, will ship slaves, when the American Master will leave with his register, and her first mate take charge with the sale policy effected in the Havana.

The Master observed to the boarding officer, upon some allusion being made to the American colours he had flying, that had he negroes on board, we should not see those colours up.

(Signed) THOS. F. BIRCH.
Lieutenant and Commander.

To Commodore T. B. Sulivan, C.B.
&c. &c. &c.

No. 27.

Viscount Palmerston to Mr. Fox.

SIR, *Foreign Office, April 16th,* 1839.

I HEREWITH transmit to you a copy of a communication which I have received from Her Majesty's Commissioners at the Havana, containing copies of correspondence between those gentlemen and Mr. Trist, the United States' Consul at that place.

I transmit likewise to you, a copy of the answer which I have returned to Her Majesty's Commissioners. I have to desire, that you will communicate these papers to Mr. Forsyth, and that you will suggest for the consideration of that Minister, whether some inconvenience may not arise from the circumstance that the United States' Consul, in a port which is a great slave mart, is also Consul for the Power, whose flag is most notoriously and extensively employed to protect Slave Trade undertakings.

I am, &c.

(Signed) PALMERSTON.

H. S. Fox, Esq.
&c. &c. &c.

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First Enclosure in No. 27.

Havana Commissioners, January 19th, 1839.

(See Class A., No. 48, p. 108.)

Second Enclosure in No. 27.

Viscount Palmerston to Havana Commissioners, April 16th, 1839.

(See Class A., No. 48, p. 120)

No. 28.

Viscount Palmerston to Mr. Fox.

SIR, *Foreign Office, May* 16, 1839.

I HEREWITH transmit to you copies and extracts of papers which have recently reached this office, showing that the Slave Trade is carried on to a great extent under the protection of the American flag, fraudulently employed for this purpose; and by means of American papers, covering transactions of foreigners in that proscribed traffic.

You will call the attention of the Government of the United States to the conduct, said to have been pursued by the American Vice Consul at the Havana, in affording protection to Slave Trade, by means of the papers which he granted to the "*Eagle*;" you will express the confidence of Her Majesty's Government, that the President will take such steps as may be necessary to prevent such abuses in future; and you will address a formal note to Mr. Forsyth, expressing the anxious wish of Her Majesty's Government, that the Government of the United States would either come to some conventional agreement with Great Britain upon the subject of the Slave Trade, so as to enable British cruizers to deal with these pretended American vessels; or else, that it would send to the African station a sufficient number of United States' cruizers to prevent this fraudulent use of the flag of the Union to cover and protect practices, which the laws of the Union have long since decreed to be piracy.

I am, &c.

H. S. Fox, Esq. (Signed) PALMERSTON.
&c. &c. &c.

First Enclosure in No. 28.

Sir John Barrow to Mr. Strangways.

SIR, *Admiralty, May 6th,* 1839.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Viscount Palmerston, a copy of a letter from Commander Reeve of Her Majesty's sloop "Lily," relative to the capture of a vessel under American colours, lying at Lagos, called the "Eagle."

I am, &c.

(Signed) JOHN BARROW.

The Hon. Fox Strangways.
&c. &c. &c.

Sub-Enclosure in No. 28.

Lieutenant Reeve to Mr. Wood.

SIR. *Her Majesty's sloop "Lily," Gambia, April 2nd,* 1839.

HAVING captured a vessel under "American" colours, lying at Lagos, called the "*Eagle*," the entire crew of which were Spaniards, with the exception of a man calling himself both master and owner, I sent her to Sierra Leone for adjucation, but the Mixed-Commission Court have refused to decide, on the ground that the ship's papers produced set forth that she is an American vessel. When

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captured she was last from Havannah, and answered the description, sent by the Admiralty to the Commander-in-Chief, of a vessel employed in the Slave Trade, called the "*Tres Amigos*," under Portuguese colours, about to sail from Maranham. She was sold at the Havannah, and the American Vice-Consul attested the sale, and granted American papers. Three other vessels had been captured, under like circumstances, by the "Brisk," "Saracen," and "Forrester," and the Court has acted in like manner, one of which was afterwards taken with slaves on board; she then hoisted Portuguese colours.

I have to request you will be pleased to acquaint my Lords Commissioners of the Admiralty with the circumstance, that immediate steps may be taken to check the protection of that flag to the slaver; or it will be useless for Her Majesty's cruizers to be employed for the suppression of that inhuman traffic.

A day before I left Sierra Leone, a vessel arrived under American colours, captured by the "Termagant," she will of course be released. No other flag will be seen on the coast in a short time, for it affords all the protection a slaver can require, under the existing laws.

I have, &c.

(Signed) JOHN REEVE, *Commander.*

To Charles Wood, Esq.,
&c. &c. &c.,
Admiralty.

Second Enclosure in No. 28.

Sir John Barrow to Mr. Strangways.

SIR, *Admiralty, May 6th,* 1839.

I am commanded by my Lords Commissioners of the Admiralty to send to you herewith, for the information of Viscount Palmerston, a copy of a letter from Rear-Admiral the Hon. George Elliot, dated the 6th of February last, with its enclosures, relative to the protection which slave-vessels receive from assuming the Portuguese and American flags; and I am to request that the enclosures, which are in the original, may be returned to this office when done with.

I am, &c.

(Signed) JOHN BARROW.

The Hon. W. Fox Strangways,
&c. &c. &c.

Sub-Enclosure A.

Rear Admiral Elliot to Mr. Wood.

SIR, "*Melville,*" *at Sea, February 6th,* 1839.

I BEG leave to inclose, for the information of my Lords, an extract of a letter from Captain Popham, of Her Majesty's sloop, "Pelican," under date the 24th of December last, and three letters from Lieutenant Arthur Kellett, commanding the "Brisk," by which their Lordships will see the protection which slave vessels receive from assuming the Portuguese and American flags.

The seaman on board the "*Mary Ann Cassard,*" alluded to in Lieutenant Kellett's letter of the 20th of October, 1838, who passed for the American captain was, I believe, an American by birth, though wishing to be received on board the "Lynx," he had passed himself as an Englishman in that vessel; the man was unable to navigate any vessel, and was merely engaged to pass as the American captain, when boarded by a British man-of-war; she had her Portuguese papers and colours on board all the time, as was proved when she was captured a month afterwards by the same vessel, "Brisk," which she mistook for a French brig cruizing on the same part of the coast, and consequently assumed the Portuguese character, having her slaves then on board.

Several of the slave dealers have declared their intention to have an American sailing master in each vessel and American colours, and some have had the impudence to assert, that the Government of the United States would not discountenance such practices by any *act* or *agreement,* which could prevent such gross abuse of the American flag, and such direct violation of their own laws.

Her Majesty's sloop, "Lily," has sent in a Spanish vessel unde American

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colours, her whole crew Spanish, but with a pretended American captain on board. I was also informed by the American bark, "*Active*" (and where they seemed delighted at the occurrence), that the "Saracen" had detained a Spanish slave-vessel at the Gallenas, under American colours.

The probable object of using the American flag will be to protect the vessels up to the time of the cargo being ready for shipment, then to go through the farce of selling the vessel to a Portuguese or Spaniard. But in case of the capture of vessels with *slaves on board*, under the *American flag*, I should beg to know what is to be done with the man passing for the American captain.

The actual sale of nearly all the slave-vessels in question takes place at the Havana, where one man is engaged to personify an American captain, but they seem very indifferent as to having any pretended American papers. The mere flag, in their opinion, is sufficient, and as they are all provided also with the proper national flag, they are prepared in case of meeting an American vessel-of-war.

I must crave their Lordships' early instructions on this growing evil and abuse, which I feel convinced is much too disgraceful to meet with any countenance, direct or indirect, from the Government of the United States.

I have, &c.

(Signed) GEO. ELLIOT,
Rear-Admiral and Commander-in-Chief.

Charles Wood, Esq.,
&c. &c. &c.

Sub-Enclosure B.

Lieutenant Kellett to Rear-Admiral Elliot.

Her Majesty's Brig "Brisk," at Sierra Leone,
October 29th, 1838.

SIR,

I HAVE the honour to inform you that, on the 27th instant, in lat. 8° 32′ North, and long. 13° 30′ West, I boarded and seized the schooner "*Mary Ann Cassard*," under American colours. I have to state, this vessel was lately sold by Gilbert Cassard of Baltimore, by power of attorney, to Messrs. Hernandez and Basden of Matanzas and received her cargo there; when sold, the register of the vessel was cancelled; she had no American papers but the roll, which was signed by the United States Consul at Matanzas. The crew are composed of one British subject, the Master (who was formerly in Her Majesty's brigantine the "Lynx," on this coast, and was paid off in her); the remainder are all Spaniards. This vessel I have put into the Spanish Mixed Commission Court for adjudication, being clearly of opinion that she is Spanish property, fitted and equipped for the Slave Trade.

I have little doubt that, when at Bonavista, on her voyage to the coast, she received Portuguese papers; she has also a Portuguese flag. I propose, when the examinations of the Master are taken, to lodge information against, and commit him for trial as a British subject engaged in the Slave Trade. I have on board the "Brisk" an armourer's mate who formerly served in the "Lynx," and was the messmate of the individual from fifteen to eighteen months.

I think, Sir, the case of this vessel will have this good result, that it will prove to the individuals carrying on the nefarious slave traffic, that fraud and deception will not always be successful. I propose proceeding to-day to the rivers to the northward, having received information that there are slave-vessels there.

I have, &c.

(Signed) ARTHUR KELLETT, *Lieut. Commander.*

Rear-Admiral the Hon. George Elliot, C.B.,
Commander-in-Chief.

Sub-Enclosure C.

Lieutenant Kellett to Rear-Admiral Elliot.

Her Majesty's brig "Brisk," at Sea,
23rd October, 1838.

SIR,

I HAVE the honour to call your attention to the case of the brig "*Diligente*," condemned in the Spanish Mixed Commission Court, to Her Majesty's brig

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"Brisk," under my command. This vessel was condemned at Sierra Leone, in December, 1836, as the "Pacquete de Cabo Verde," sold to a Mr. Lake, and transferred by bill of sale, of the 2nd of January, 1837, to Miguel Bertinotte (a Spanish slave-dealer at the Gallinas), for 1000*l.* This notorious character arrived at Sierra Leone for the above purpose, and cleared out, under Spanish colours, for the Havana, in April, 1837. She then visited several ports in old Spain, and ultimately arrived at Cadiz on the 30th of September, 1837. It would appear, from a fictitious bill of sale, dated 2nd of January, 1837, at Cadiz, that the vessel was sold as the "*Feroz Africano*," to Gabriel Lopez, attorney to Francisco Cardozo de Mello, of Cape Verde Islands, who is the nominal owner of all Spanish vessels which, since the Treaty with Spain in 1835, have been transferred to the Portuguese flag.

It will appear, this vessel, after a sham bill of sale, received a passport from the Portuguese Consul-General at Cadiz, dated 5th January, 1837, and her name changed to the "*Diligente*," at the very time the vessel and owner were at Sierra Leone, and then only two days in his possession. It has appeared that the master and mate are on the roll dated 5th January, 1837, and the master's name in the passport of the same day: though, in evidence given before the Court of Mixed Commission, they swear they never saw the vessel until June, 1838.

I beg leave to call your attention to the conduct of the Consul-General of Her Faithful Majesty, aiding and assisting in carrying on the Slave Trade, contrary to the solemn Treaty entered into by his Government. This most glaring case of fraud could not have been completed without the assistance or connivance of the authorities of Her Most Catholic Majesty at the port of Cadiz.

I beg leave also to call your attention to the case of the American schooner "*Mary Hooper*," Charles M. Bergstrand, master and owner, belonging to Philadelphia; she sailed from Havana the 28th May, 1838, for Port Praya, and consigned to a notorious slave-dealer at the Gallinas; this vessel, when last boarded by the "Brisk," was lying off Trade Town, ready to take on board a cargo of slaves: this, I believe, is not the first instance in which the American flag has been made use of, for the purpose of screening offenders from Her Majesty's ships. If this case is successful, I fear the difficulties of Her Majesty's squadron, in suppressing the Slave Trade on this coast, will be multiplied; as I feel confident we shall, in the succeeding season, have numerous vessels carrying on this abominable traffic in a similar manner, when it can be done with such impunity. I am satisfied she has also Portuguese papers, which the master partly admitted (when I first boarded her) he had received at Port Praya: did she, on her arrival in the West Indies, meet a United States vessel-of-war, she has Portuguese papers, and American for Her Majesty's ships; which will in all probability be the means of her being successful. The Consul of the United States at the Havana has assisted in clearing this vessel out.

I have, &c.
(Signed) A. KELLETT,
Lieutenant and Commander.

To Rear-Admiral the Hon. Geo. Elliot, C.B.
&c. &c. &c.

Sub-Enclosure D.

Extract of a letter from Captain Brunswick Popham, Her Majesty's sloop, "Pelican," at Sea, December 24th, 1838.

THE active and undisguised assistance given to the Slave Trade by citizens of the United States of America is as notorious as it is disgraceful. The American flag has in several instances given protection to Spanish and Portuguese traffickers in human beings. The last instance was too shameful to pass unnoticed. A ship, called the "*Venus*," of 450 tons, built at Baltimore, on the most improved model for swift sailing, arrived at Lagos from Boston, on or about the 5th of November last; about the 24th of the same month she sailed from Lagos, with a very large cargo of slaves, said to amount to 1150; the American flag and papers (in possession of the commander, Mr. Philips, of Baltimore) protected her until a few days before she sailed; when he left, and the Portuguese flag was substituted for the American. It is, therefore, evident that, under the American flag, she was perfectly ready for the reception of slaves.

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On the 28th of November, about 100 miles south of Lagos, the "Pelican" chased this ship, and at first gained on her, but she was lightened by throwing her deck cargo and spars overboard; then sailed away from us with ease, although every effort was made to come up with her. On the 30th, somewhat S.E. of where our chase commenced, we picked up two spare topmasts, a topsail yard, and main top-gallant mast of very large dimensions, quite new, and evidently but a day or two in the water; this confirmed what I heard in Lagos respecting the "Venus." We boarded there a large American brigantine, discharging a cargo for the purchase of slaves. Mr. Litting, the *(soi-disant)* owner and commander, said the cargo was Portuguese property, and that he hoped the brigantine soon would be. This is the third vessel brought out (the first and second sold for the Slave Trade) by the same individual.

Lieutenant Holland, of the "Dolphin," could give you the fullest information respecting the "*Venus*," as he often boarded her at Lagos.

The "Pelican" sailed from West Bay, Prince's Island, on Saturday the 15th of December, for Ascension. On Monday, the 17th, at daybreak, a suspicious sail was reported as being very close to us. She immediately tacked, we made all sail in chase, and at 7. A.M. detained the Portuguese slave-schooner, "*Magdelena*," with a cargo of 320 slaves, from the River Brass or Nun. Among her passengers was a citizen of the United States (Mr. Huntington), who had on the 1st of December made over to a Spaniard, the schooner, "*Ontario*," of Baltimore. Her sale was no doubt effected at Havana, although the bill of sale mentioned it to have taken place in Brass.

In this instance the American flag gave unqualified protection to the Slave Trade, for the "*Ontario*" was boarded by the boats of Her Majesty's ship, "Viper," in November, and she was then reported as preparing for the reception of slaves, but having American papers and colours.

After a little conversation with the Portuguese commander of the "*Magdelena*," he informed me that the "*Ontario*" was in company on Sunday afternoon. This information was taken immediate advantage of, and sailing on a N.W. by W. ½ W. course, Tuesday, at daybreak (after a fine run), a sail was seen to the West: the morning was thick and rainy, but at 10. A.M. the weather cleared up, and I despatched Lieutenant Marsh with two gigs to capture the "*Ontario*:" this he did at 11. 30. A.M., with 220 slaves on board. She was under Spanish colours, but had no papers whatever. "*Ontario*," of Baltimore, was painted in large letters on her stern.

"Both these vessels I sent to Sierra Leone for adjudication, informing the British Commissioners of my intention to detain the American Huntington, until I received your orders respecting the disposal of him. However, on a careful perusal of the instructions in my possession, and of correspondence between Great Britain and the United States of America on the subject of the Slave Trade, I was induced to alter my intention, feeling that I should not be borne out, in interfering with a citizen of the United States, which it appeared to me, the American Government evinced no disposition to tolerate, *even in very extreme cases.*

It has been mentioned by Spaniards and Portuguese slaving on this coast, that, were it not for the active co-operation of the Americans, the Slave Trade would very materially decline, in fact be but feebly carried on. I do not doubt, from all I hear, that the citizens of the United States (generally of Baltimore) are more deeply interested in the Slave Trade to the Havana and Brazil, than is generally supposed.

Sub-Enclosure E.

Lieut. Kellett to Rear-Admiral Elliot.

Her Majesty's Brig "Brisk," Sierra Leone, November 27th, 1838.

SIR,

I HAVE the honour to inform you, that in latitude 7° 6′ north, and longitude 13° 2′ west, I seized the brig "*Veterano*" under Portuguese colours, formerly the brig "*Veloz*," condemned at Sierra Leone, and sold to the House of Martinez and Co., at Cadiz, by Mr. White; and, like all Spanish vessels, with a mock bill of sale, to De Mello of Cape Verde Islands; her papers (like the "*Diligente*," reported by me some time ago) given by the Portuguese Consul at Cadiz, and cleared for the Havana, where she has received a full cargo for slave traffic, with

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the equipments, and a large quantity of casks, planks, and shackles for a slaving voyage. As in the case of the "*Diligente*," the authorities of Her Catholic Majesty must have assisted in this second case of fraud at the Port of Cadiz; the description sent out by order of the Lords Commissioners of the Admiralty, assisted in accomplishing this object. I have much pleasure in informing you, that seven vessels have been condemned in the Spanish Mixed Commission Court to Her Majesty's brig under my command. I have much regret in informing you, that since my visit to the Rivers Nunez and Pongo, several of the crew of Her Majesty's brig under my command, have been attacked with fever peculiar to those rivers, two of whom have died, and five remain at the hospital. I purpose sailing to-morrow, and, should any fresh case arise, I intend proceeding to the northward, and getting into cold weather between the Gambia and Cape Verde Islands, as soon as possible.

I have, &c.

(Signed) ARTHUR KELLETT, *Lieut. and Commander.*

Rear-Admiral the Hon. George Elliot, C.B.
&c. &c. &c.

Third Enclosure.

Extract of a Letter from Rear-Admiral Elliot to Mr. Wood.

"*Melville*" *at Sea, February* 13*th*, 1839.

I HAVE the honour to forward, for the information of my Lords Commissioners of the Admiralty, copy of a letter from Lieutenant J. L. R. Holl, commanding Her Majesty's brigantine "Bonetta," by which, and my former letters, it will be observed, that the use of the American flag is becoming rapidly more general in the protection of Spanish slave vessels.

Of American flags used for this purpose there are more than twice as many at present on the coast; and in so barefaced a manner do they proceed, that some have not even one American to personify the captain, but satisfy themselves with furnishing one of the crew with a certificate of naturalization for the occasion. If Her Majesty's ships were at liberty to send some of these pretended Americans to the United States, and the Government of that country were to uphold the honour of their flag, by subjecting such lawless felons to prosecution and punishment, it would soon put an end to the nefarious usurpations of their flag by the most notorious slave-dealers belonging to Spain and Portugal.

Sub-Enclosure.

Extract of a Letter from Lieutenant Holl to Admiral Elliott.

Her Majesty's brig "Bonetta," Prince Island,
February 11*th*, 1839.

ON my passage to Accra with the prize crews of Her Majesty's sloop "Pelican" I boarded, on the 23rd of January, a very fast new American Ballahor schooner, in ballast, evidently intended for the Slave Trade; all the crew Spanish, and her master, I believe, a Frenchman, but declaring himself a naturalized American: papers correct.

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